App. F. IX-4

Previous References
RG. 24-160(-17)
" 188-17-1.
Mis 24-20(1-7)

Letter References
i. 35-33-4.

1933.
(Prisons)

PRESERVED

File No. 35/33
Serial Nos. 1-3.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Three only.

Part B for March, 1939.

SUBJECT.

Revision of the Prisons Act and the Mysore Jail Manual.

(Ordered to take up the question after the Jeevana Bill is passed, on 1.3.39. in a separate note)

WD 0295—GPB—22,500—18-8-37

Gen Records. Please instruct
copies of the Mysore Jail Ma
Vol II are available.
for the information of the

14/9/33

Supdt

2/ There are 13 copies of Volume I and 11 o
Volume II of the Jail Manual available (1918 E
15/9/33.

Supdt. of Press Branch, with C

3/ As it is, there are
the Book depot- Re

15/9

4/ Submitted with a draft
Mr Jessel
15.9

Issued Rs. 2048 on 21-9-33

From the Supdt. Govt Press Dep
20. 1289 3.10.33
Kindly note that there are 383 copi
Mysore Jail Manual Vol I & 2
Vol II.
[illegible] the books. The

revised.
manual was published in 1917.
ei of amendments have been
since then. Please examine &
ther a revised edn is not now

DOP
6/10/33

Please consult the Dy. P

DOP
16/10/33

with a draft.

~~Issued No. G. 2621 Dated 1933~~

Government of Mysore.

1915

10) Bringing the Jail Code upto date.

11) How it was done? RLG (7.10.33)

12) Is there any such question pending in the Prisons Secty?

13) Please put up the file relating to the revision of the Jail Manual.

RLG 17/10

14) Secy. There is no question pending. The file referred to in para 3 is placed below.

RLG 19/10

15) The law relating to Jails is contained in the Prisons Act, ~~and~~ XXV of 1870 & the rules framed thereunder which are incorporated in the Jail manual. There is no question pending regarding any general revision of this law. The Manual was published in 1915 and it is now proposed to consult the D.G. P.s as to the need for revising & bringing out a revised edition incorporating all the changes introduced since 1915.

Chief Secy)

RLG 19/10/33

16) RLG 21/10

17) Issue

Issued ~~X~~ 262-8 on 24-10-33 RLG 24/10

TYPING SECTION
RECD 1 OCT 1933
GEN. & REV. SEC.

Requests sanction of Govt to entrust the work of revising the Act and the Mysore Jail Manual to the Supdt. of State Central Jail and to the grant of an honorarium of Rs 300/- to Mr. Venkata Rao, Jailor who has agreed to assist the Supdt. in the work.

18) Submitted for orders

Mr
18/12

19) The amount appears to be excessive: smaller amounts have been paid, for compiling afresh the Mysore Securities Manual and revising the M.S.R. The financial Secretary, may, if approved be consulted.

Dev. Secy) 2.12.

Fin. Secretary.

20) The amounts which appear prima facie to be due need not be fixed now. After the revision is effected and the new Book published, the actual amount of extra work involved could be known and the amount could be

MY 23/12

To the J. L. of Phoenix.

No. 14464 of 29-12-1933.

States that there is no need to fix the court now and that it has to depend on the actual amount of by the work involved. The file will be closed now, if approved.

16 WK

Inc: as per B to H

WK & then ask the program

J.L.

6-7-34

Is the draft of an am
Prisons Act in Abyssinia and requests y
to move for its introduction.

26) The S.G. of Prisons states that he
agrees with the opinion of the Superintendent
of the Bangalore central jail in that even
the British Act of 1894 does not go far
enough to afford specific basis to all the
rules in the jail manual (Abyssinia) and that
the sections require suitable amplification.
Prison administration, he adds, has made
rapid strides in all advanced countries
and has of late been raised to the level
of a speciality in itself. In these circum-
stances the amendment of a regulation
which was enacted more than half a ce —
ago appears, according to the S.G.P., to b
very necessary. Subd. for consideration.
12/11/34. W.L.

27) Submitted for perusal in the
first instance. The draft bill will be
examined & submitted later on forwarde
Govt Secy)
1004
11/19/34

I send her

MRP
21/10/34

32) ... An uptodate British Indian statute is not, it is ascertained, available in the G.R.S. Library. On enquiry in the High Court Library, it is learnt, that 'the annotated All-India criminal statutes with Rules 1818-1934 by D.R. Prem.' is a very useful edition. Hence the G.R.S. Library may kindly be asked to order and get a copy of this book as it will be required for this file

22/11/34 33) This book is very useful & may be got for the Library.

(Gen Secy).

MRP
24/11/34

36) An extract of the notes ordering for a copy of the book referred to in previous para is sent to the Registrar. The file will, if approved, be kept in suss till the receipt of the book.

19/11. M

37) Yes
BNP
19/11/34

From the I. G. of Prisons.

No. 1323-12 dt. 6-12-34

Forwards a draft of the Madras Lock-up Manual.

38) subd. The consolated All-India criminal Acts by D. R. Prem has not yet been received.

11/12. WP

Please enquire when it is likely to be received?

BNP
12/12

Subd.
13/12.

Please await till the end of this month

BNP
15/12

To the Library, W.C. for kindly putting up the book if it has been received now.

17/1. Cbout

subd. The book is said to have not yet received.

17/1

The revision of the Lockup Manual is mixed up in this file. Let this file deal only

[illegible] amendment of the Prisons Act.

39) The C/w & the Supt of may go carefully over the draft proposed & note on the ~~[illegible]~~ important modifications suggested.

[illegible]
2/1/35

40) [illegible] as ordered above. (Minutes pages 16 to 21)

9/2. JMW

41) Has the Supt of Prisons examined the rule & has he nothing further to say?

[illegible]
9/2

42) Subd. The statement has been prepared with any help I have nothing to add.

HWL
9/2

43) Please find out from the library if the book (Prem's Cr: ~~[illegible]~~) have been received. If so. let me have it.

~~[illegible]~~
~~11/6/35~~

Please put us Prisons Act IX of 1894. Stock No: 402-4 and 88 printed at 74th page of our library catalogue

To the Library for necessary action
11/6/35

[illegible]
10/8/35

45)

1) Form of memo prd

2. D.R. Press criminal

15/5/dec 35

46) I find that the Bill now proposed may need further revision of the Borstal Scheme under contemplation. How does this matter stand? Has the I.G.P sent his detailed proposals? Please also examine how far the Acts in Madras & Bombay ~~regarding~~ regarding Borstal Institutes (Children Acts & Borstal Acts) have modified the provisions of the Prisons Acts there.

Pdy
9.10.35

47) The proposals from the I.G. of Police re awaited in the matter of the Borstal sch ubd. as instructed with the following be available in the Library :—

1) unrepealed general Acts of I.G. in comm vol IV. (contains prisons Act & Reformatory Sc

2) Madras Borstal Schools Act, 1925

Children Act, 1920.

Bay " " , 1924.

Now that a committee is sitting to consider the question of suggesting suitable legislation regarding establishing a Borstal, further action in this file may await the report of the Committee.

DDP
6/10/36

Regulation No. of 1934.

The Prisons Regulation.

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2. Repeal
3. Definitions

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5. Inspector-General
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16. Absence of Medical Officer.

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****

THE PRISONS REGULATION OF 1934.

****

A Regulation to amend the Law relating to Prisons.

Whereas it is expedient to amend the Law re lating to prisons. His Highness the Maharaja x is pleased to enact as follows:-

---

STATEMENT OF OBJECTS AND REASONS.

The Act in force does not explicitly prov for all the rules already made and embodied in the Mysore Jail Manual and is far behind the times. A new ~~xx~~ enactment is necessary to remedy both these defects.

CHAPTER. I.

Preliminary.

Title, extent and commencement. 1. (1) This Regulation shall be called the Prison Regulation, 1934.

(2) It extends to the whole of Mysore and

(3) It shall come into force at once.

Repeal. 2. (1) On and after the date on which this Regulation comes into force, the Prisons Act XXVI of 1870 as introduced into Mysore by notification No. 246.I.J. dated the 4th September 1879 shall be wholly repealed.

(2) But all rules and appointments made directions given and orders issued under the said Act shall, so far as they are consistent with this Regulation, be deemed to have been respectively made, given and issued under this Regulation.

(3) Any Regulation or document referring to the said Act, shall, so far as may be, be -

construed to refer to this Regulation or to the corresponding portion thereof.

3. In this Act-
Definitions.

(1) "prison" means any place used permanently or temporarily under the general or special orders of the Government for the detention of prisoners and includes all lands and buildings appurtenant thereto. It includes a Jail or a subsidiary Jail or a lock-up but not a lock-up or place for the confinement of prisoners who are exclusively in the custody of the Ploce, nor any place specially appointed by Government under section 541 of the Code of Criminal Procedure 1904.

(2) "criminal prisoner" means any prisoner duly committed to custody under the warrant or order of any Court or authority exercising criminal jurisdiction or by order of a Court martial.

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or a Court martial and includes a person detained in prison under the provisions of Chapters £ VIII and XXXVI of the Code of Criminal Procedure, 1904.

(4) "civil prisoner" means any prisoner who is not a criminal prisoner.

(5) "remission system" means the rules for the time being in force regulating the award of remission in days to, and the consequent shortening of sentences of prisoners in jails.

(6) "history ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Regulation or the rules thereunder.

(7) "medical subordinate" means a Sub Assistal Surgeon or a qualified Medical graduate.

Temporary accommodation for prisoners.

that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or whenever from the outbreak of epidemic disease within any prison, or any other -- reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made, by such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER. III.

Duties of Officers

Generally.

Control and duties of officers of prisons.

8. All Officers of a prison shall obey the directions of the Superintendent, all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by this Regulation or by rules under Section 59.

Officers not to have business dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings, directly or indirectly with any prisoner.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any --

(8)"prohibited article" means an article th introduction or removal of which into or out o a prison is prohibited by any rule under this Regulation.

CHAPTER. II.

Maintenance and Officers of Prisons.

Accommodation for prisoners.

4. The Government shall provide for prisoners in the territories of Mysore accommodation in prisons constructed and regulated in such manne as to comply with the requisitions of this Regulations in respect of the separation of prisoners.

Inspector-General

5. An Inspector-General shall be appointed by the Government and shall -- exercise, subject to the orders of Government, the General control and superintendence of prisons situated in the territories of Mysore.

Officers of prisons.

6. For every prison, there shall be a Superintendent, or an Officer in charge; a Medical Officer who may also be the Superintendent or the -- Officer in charge; a Jailor or a Chief Warder or a Head Warder and such other subordinate officers as the Government thinks necessary.

Provided the Government may direct that for any specified prison, there shall als a Deputy Jailor and a Medical subordinate and that for any specified prison or prisons the office of the Jailer shall be held by the person appointed to be the officer in charge.

7. Whenever it appears to the Government

Officers not to be interested in prison contract.

interest, direct or indirect, in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of an article on behalf of the prison or belonging to a prisoner.

Superintendent.

11. (1) Subject to the orders of the Inspector General, the Superintendent shall manage the prison in all matters relating to discipline, -- labour, expenditure and control.

Superintendent.

He shall correspond on all matters connected with the prison with and through the Inspector-General, submit to him such bills, reports, returns and statements within such time as may be prescribed by rules made in this behalf or by any law, rule or order of Government for the time being in force and perform such duties as are imposed on him by this Regulation or rules thereunder or under any law, rule or order of Government for the time being in force.

(2) Subject to such general or special directions as may be given by the Government the officer in charge of a Lock-up shall obey all orders, not inconsistent with this Regulation, or any rule thereunder which may be given respecting the Lock-up by the District Magistrate.

12. The Superintendent shall keep, or cause to be kept the following

Records to be kept by the Superintendent.

(1) a register of prisoners admitted;

(2) a book showing when each prisoner is to be released;

(3) a punishment book for the entry of the punishments inflicted on prisoners for prison-offences;

(4) a Visitor's book for the entry of any observations made by the Visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners.

and all such other records as may be prescribed by rules made under Section 59 of this Regulation or by any other Regulation, Code, rule or order of Government for the time being in force.

Medical Officers.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the Medical and Sanitary administration of the prison and shall perform such duties as may be prescribed by rules made by the Government in this behalf under Section 59.

Duties of Medical Officer.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, is likely to be, affected by the discipline or treatment to which he is subjected, the Medical Officers shall report the case in writing to the Superintendent, together with such observations as he may think proper. This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

Medical Officer to report in certain cases.

15. On the death of any prisoner, the Medical Officer shall forthwith record or cause to be recorded in a register the following particulars so far as they can be ascertained, namely:-

Report on death of prisoner.

(1) the day on which the deceased first complained of illness or was observed to be ill;

(2) the labour, if any, on which he was engaged on that day;

(3) the scale of his diet on that day;

(4) the day on which he was admitted to hospital;

(5) the day on which the Medical Officer was first informed of the illness,

(6) the nature of the disease,

(7) when the deceased was last seen before his death by the Medical Officer or Medical subordinate;

(8) when the prisoner died, and

(9) (in cases where a post-mortem examination is made) an account of the appearance after death,

together with any special remarks that appear to the Medical Officer to be required.

16. (1) Where there is no Medical Officer or where his services are not available by reason of sickness or otherwise, the Government shall by general or special order appoint a substitute for him and the substitute so appointed shall be competent to perform any duty required by this Regulation or by any rule made thereunder, to be performed by the Medical Officer.

Absence of Medical Officer.

(2) Where there is no substitute for the Medical Officer appointed by Government by General or special order, the Medical

15. On the death of any prisoner, the Medical Officer shall forthwith record or cause to be recorded in a register the following particulars so far as they can b ascertained, namely:-

Report on death of prisoner.

(1) the day on which the deceased first complained of illness or was obser ed to be ill;

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(3) the scale of his diet on that day;

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(6) the nature of the disease,

(7) when the deceased was last seen before his death by the Medical Officer or Medical subordinate;

(8) when the prisoner died, and

(9) (in cases where a post-mortem exami tion is made) an account of the appearance after death,

together with any special remarks that appear to the Medical Officer to be requir

16. (1) Where there is no Medical Offic or where his services are not available by reason of sickness or otherwise, the Government shal by general or special order appoint a substitute for him and the substitute so appointed shall be competent to perform an duty required by this Regulation or by any rule made thereunder, to be performed by t Medical Officer.

Absence of Medical Officer.

(2) Where there is no substitute for the Medical Officer appointed by Governmen by General or special order, the Medical

subordinate that may have been appointed to the prison shall, during the absence of the Medical Officer, perform all the duties of the Medical Officer.

J a i l e r.

Jailer.

17. (1), The Jailer shall reside in the prison, unless the Superintendent permits him to reside elsewhere.

(2) The Jailer shall not, without the Inspector General's sanction in writing, be concerned in any other employment.

Jailer to give notice of death of prisoner.

18. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent who shall cause an inquest to be held by a Magistrate as to the cause of death.

Responsibility of Jailer.

19. The Jailer shall be responsible for the safe custody of ~~the records and~~ the records to be kept under Section 12, for the commitment warrants and all other documents confided to his care and for the money and other articles taken from prisoners.

Jailer to be present at night.

20, The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent, but, if absent without leave ~~for~~ for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

Powers of Deputy Jailer and Officer of prison.

21. (1) Where a Deputy Jailer is appointed to a prison, ~~he~~ he shall be competent to perform any

(2) Where there is no Deputy Jailer, c
where his services are not available
by reason of sickness or other cause, the
Superintendent shall, when the Jailer is
absent from the prison or is temporarily
incapacitated, appoint an officer of the p:
son to act as his substitute during
such absence or incapacity, and the substi
so appointed shall have all the powers and
perform all the duties of the Jaile:

Subordinate Officers.

22. The Officer acting as Gate-Keeper o:

Duties of Gate-keeper.

any other officer of the prison, may exam:
anything carried into or out of the prison
and may stop and search, or cause to be
searched any person suspected of bringing
prohibited article into or out of the pris
or of carrying out any property
belonging to the prison, and, if any such
article or property be found, shall give
immediate notice thereof to the Jailer.

23. Subordinate officers shall

Subordinate officers not to be absent without leave.

not be absent from the prison
without leave from the Superintendent, or
from the Jailer, and before absenting them-
selves they shall leave their keys in the
Jailer's office.

24. Prisoners who have been appointed

Convict Officers.

as officers of prisons shall b
deemed to be public servants
within the meaning of the Indian Penal Code

CHAPTER. IV.

Admission, Removal and Discharge of prisoners.

24. (1) When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Prisoners to be searched on entrance.

(2) Every prisoner shall also, as soon as possible after admission, be examined by, or under the General or special orders of, the Medical Officer, who shall enter, or cause to be entered in the book referred to in Section 12(1) of this Regulation, a record of the state of the prisoner's health, of any wounds or marks on his person, his age, weight and height, the class of labour he is fit for if sentenced to rigorous imprisonment and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried by a woman under the general or spedial orders of the Medical Officer.

26. All money or other articles in respect whereof no order of a competent Court has been made and which may, with proper authority, be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Jailer.

Effects of prisoners.

27. (1) All prisoners previously to, discharge, or being removed to any other prison, shall be examined by the Medical Officer.

Removal and discharge of prisoners.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that

the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER. V.

Discipline of prisoners.

Separation of prisoners.

28. The requisitions of this Regulation with respect to the separation of prisioners are as follows:--

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings or in separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any inter course with, the male prisoners;

(2) in a prison where male prisoners under the age of eighteen years are confined, means shall be provided for separating them altogether from the other prisoners and for separating thos of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners ~~shall~~ shall be kept apart from the criminal prisoners.

Association and segregation of prisoners.

29. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individuality in cells or partly in one way and partly in the other.

Solitary confinement

30. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any tim with an officer of the prisons, and every prisoner so confined in a cell for more than twenty four hours, whether as a punishment or otherwise shall be visited at least once a day by the Medical Officer.

31. (1) Every prisoner under sentence of death shall, immediately on his arrival after sentence, be searched by, or by order of, the Jailer, and all the articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

Prisoners under sentence of death.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

Food, clothing and Bedding of Civil and unconvicted criminal prisoners.

32. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself and to purchase, or receive from private sources and at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General who may, in the case of civil prisoners, disallow either generally or in individual cases, private bedding and insist on the use of the same supplied from the prison at the cost of detaining creditors.

Maintenance of certain prisoners from private sources.

33. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food, clothing, bedding or other necessaries or receiving the same from private

Restriction on transfer of food and clothing between certain prisoners.

sources for such time as the Superintendent thinks proper.

Supply of clothing & bedding to Civil and unconvicted criminal prisoners.

34. (1) Every Civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficien clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, ~~each~~ such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of clothing and bedding so supplied to the prisone and in default of such payment, the prisoner shall be released.

CHAPTER VII.

Employment of prisoners.

Employment of civil prisoners.

35. (1) Civil prisoners may, with the ~~xxxxxxxx~~ Superintendent's permis- sion, work and follow any trade or profession

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prisoner, shall be allowed to receive the whole of their earnings; but the earnings of suc as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

36. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than eight hours in any one day.

Employment of criminal prisoners.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) when the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

37. Provision shall be made by the Superintendent for the employment (as long as they desire) of all criminal prisoners sentenced to simple imprisonment. The Superintendent shall prescribe the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, except by debarring him from work or by depriving him of any privilege that has accrued to him by volunteering to labour.

Employment of criminal prisoners sentenced to Simple imprisonment.

CHAPTER VIII

Health of prisoners.

38. (1) the names of prisoners desiring to see the Medical Officer or appearing out

Sick prisoners.

of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailor.

(2) The Jailer shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer respecting alterations of the discipline or treatment of any such prisoner.

Entry of directions by Medical Officer in journal.

39. All directions given by the Medical officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the Jailer stating in respect of each direction the fact of its having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of entry.

Hospital.

40. In every prison, a hospital or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

Visits to prisoners.

41. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of Justice, prisoners undertrial may see their duly qualified legal advisers without the presence of any other person.

Visits to civil and unconvicted criminal prisoners.

42. (1) The Jailor may demand the name and address of any visitor to a prisoner, and when the Jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

Search of visitors.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission, and the grounds of such proceeding, with the particulars thereof shall be entered in his Diary.

CHAPTER X.

Offences in relation to prisons.

43. Whoever, contrary to any rule under section 59, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article and

Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.

and every officer of a prison, who contrary to any such rule knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisone outside the limits of a prison, and whoeve contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees or to both.

Power to arrest for offence under section 43.

44. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence or gives a name or residence which such officer knows or has reason to believe, to be false, such officer may arrest him and shall, without unnecessary delay, make him over to a Police Officer, and thereupon such Police-Officer shall proceed as if the offence had been committed in his presence.

Publication of penalties.

45. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 43 and the penalties incurred by their commission.

CHAPTER XI.

Prison-offences.

46. The following acts are declared to be prison-offences when committed by a prisoner.

(1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison-offence;

(2) any assault or use of criminal force;

(3) the use of any insulting or threatening language;

(4) immoral, or indecent, or disorderly behaviour;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

(7) filing, cutting, altering or removing, hand-cuffs, fetters or bars without due authority;

(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;

(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;

(10) wilful damage to prison-property;

(11) tampering with or defacing history tickets, records or documents;

(12) receiving, possessing or transferring any prohibited article;

(13) feigning illness;

(14) wilfully bringing a false accusation against any officer or prisoner;

(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official; and

(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

47. The Superintendent may examine any such offence, and determin thereupon and punish such offence by:-

Punishment of such offences.

(1) a formal warning;

Explanation. A formal warning shal mean a warning personally address to a prisoner by the Superintende and recorded in the punishment-bo and on the prisoner's history-ticket;

(2) change of labour to some more irksome or severe form;

(3) hard labour for a period not exceedin seven days in the case of prisoner not sentenced to rigorous imprison-ment;

(4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by Govern-ment;

(5) imposition of hand-cuffs of such patt and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(6) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(7) separate confinement for any period n exceeding six months;

Explanation. Separate confinement me such confinement with or without labo as secludes a prisoner from communica-tion with, but not from sight of, othe prisoners, and allows him not less th one hour's exercise per diem and to h his meals in association with one or more other prisoners;

(8) Penal diet, that is, restriction of diet in such manner and subject t such conditions regarding labour as may be prescribed by Governme

Provided that such restriction of shall in no case be applied to a pr

for more than seventy-two consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week.

(9) Solitary confinement for any period not exceeding seven days;

Provided that after ~~such~~ each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary confinement;

Explanation - Solitary confinement - means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners;

(10) whipping, provided that the number of stripes shall not exceed thirty;

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of hand-cuffs, or fetters or to whipping.

Plurality of punishments under Sec.47.

48. Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions

(1) formal warning shall not be combined with any other punishment except change of labour

(2) Penal diet shall not be combined ~~with~~ with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with separate confinement.

(3) solitary confinement shall not be combined with separate confinement so as to prolong the total period of seclusion to which the prisoner shall be liable;

(4) whipping shall not be combined with any other form of punishment except separate confinement or loss of privileges admissible under the remission system.

Award of punishments under Secs.47 & 48

49. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishments to be in accordance with foregoing sections.

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing

sections, shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Medical Officer to certify to fitness of prisoner for punishment.

51. (1) No punishment of penal diet, either singly or in combination, or of

whipping, or of change of labour under section 47(2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

52. (1) In the punishment book prescribed in section 12, there shall be recorded, in respect of every punishment inflicted, the prisoner's name, Register number, and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison offence was committed, the number of previous prison-offences recorded against the prisoner and the date of his last prison-offence, the punishment awarded and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded

and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.

Procedure on committed heinous offence.

53. If any prisoner is guilty of any ~~offen~~ offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment ~~wh~~ which he has power under this Regulation to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or, of any Magistrate of the First Class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing punishment when he committed such offence, or may sentence him to any of the punishments enumerated in Section 47.

Provided that any such case may be transferred, for enquiry and trial, by the District Magistrate to any Magistrate of the First Class; and

Provided also that no person shall be punished twice for the same offence.

54. All corporal punishment within the

prison shall be inflicted in the presence of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

nces by prison subordinates.

55. (1) Every Jailer or Officer subordinate to him who shall be guilty of any violation of duty, or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison-duty or who shall be guilty of cowardice, shall be liable, on conviction before the Superintendent, to fine not exceeding one hundred rupees, or on conviction before a Jurisdictional Magistrate to whom the Superintendent shall report the circumstances of the case, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) Any fine imposed by the Superintendent under this section may be recovered, either by deduction from the convicted Officer's pay and allowances or under the law for the time being in force for the recovery of arrears of land revenue.

(3) No person shall, under this

section, be punished twice for the same offence.

CHAPTER XII.

Miscellaneous.

Extra-mural custody, control and employment of prisoners.

56. A prisoner, when being taken to or from a prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison shall be deemed to be in prison, and shall be subject to all the same incidents as if he were actually in prison.

Confinement in irons.

57. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the Government, so confine them.

Prisoners not to be ironed by jailers except under necessity.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

Power to make rules.

59. The Government may, from time to time, make rules consistent with this Act.

(1) for the classification of prisons and description and construction of wards, cells and other places of detention;

(2) for the regulation of numbers, &

length or character of sentences or otherwise of the prisoners to be confined in each class of prisons;

(3) for the Government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this regulation;

(4) for the appointment and guidance of visitors of prisoners;

(5) Prescribing the uniform to be worn by prison officers and defining the status of prison-officers to whom the uniform so prescribed may be supplied at Government expense;

(6) defining the status of prison officers liable to furnish security for the proper discharge of their duties, the amount and the manner of depositing such security;

(7) for the classification and separation of prisoners confined in prison; and for regulating the confinement of convicted criminal prisoners under section 29;

(8) for regulating the admission of prisoners into the prison and for calculating the date of the beginning of sentence and the date of termination in the case of each prisoner;

(9) for the preparation and maintenance of history-tickets; and for the registering of prisoners and their body-weights;

(10) for the imposition of irons and the cutting of hairs or the shaving of the head of criminal prisoners on

grounds of health or cleanliness or otherwise ;

(11) for the observance of general discipline and daily routine in prison, for the provision and use by prisoners of latrines, baths, lights and books and for the observance of religious feasts, fasts and ceremonies by them;

(12) defining the acts which shall constitute prison-offences and the articles the introduction or removal of which into or out of a prison without due authority is prohibited ;

(13) fixing the punishments admissible under this Regulation which shall be awardable for commission of prison-offences or classes thereof;

(14) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence;

(15) for the award of remission and gratuity for good conduct, industry and special services on the part of prisoners and for the selection and appointment with specific duties of prisoners as officers of prisons;

(16) for the constitution of Advisory Boards to consider and recommend to Government, in such manner as prescribed by it, the cases of such convicted prisoners as have served such portion of their sentence as prescribed by Government, for

release

use on probation before the expiry of their
nces;

as to the food, clothing and bedding of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;

for the employment, instruction and control of convicts within or without prisons, for the guidance of guards over them, for the regulation of task work to be performed by each prisoner and the remuneration payable to him in such manner as prescribed by Government for work done in excess of such task work;

) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;

) for dealing with property brought by or with a prisoner or sent for his use or found on him after admission;

) for the religious ministration of prisoners;

22) for regulating the transmission of appeals and petitions from prisoners and interviews and communications with their friends;

23) for regulating the transfer of prisoners from one prison to another;

24) for the manner of releasing prisoners, defining the circumstances and regulating the conditions under which prisoners in danger of death or incapable of committing crime may be released;

(25) for the method of guarding the prison and for regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(26) for regulating the part to be played by each officer or prisoner in the case of escape, outbreak, death, accident, suicide or fire,

(27) for regulating the medical and sanitary administration of the prison;

(28) for the maintenance of Jail garden and farm and regulating the method of procuring articles for use in the prison;

(29) for the reception, detention, treatment and discharge of the various classes of prisoners;

(30) for the treatment, transfer and disposal of criminal luntatics or recovered criminal lunatics and of Lepers confined in prisons;

(31) for working the manufactory Department of a prison;

(32) for regulating the method of carrying out correspondence, and cash transactions, for the maintenance of registers and records, for their preservation and their periodical destructions, and for the preparation and submission of reports, statistical and other returns in the case of each prison or classes of prisons;

(33) for extending or withholding any or all of the provision of this Regulation

Regulation and of the rules thereunder to or from a Sub-Jail or a Lockup or a special place of confinement under Section 541 Criminal Procedure Code, and to or from the officers employed and the prisoners confined therein;

(34) generally in regard to the admission, custody, employment, dieting, treatment and release of prisoners and for other purposes consistent with this regulation.

Exhibition of copies of rules.

60. Copies of rules under Section 59, so far as they affect the Government or prisons, shall be exhibited in English or in the Vernacular in some place to which all persons employed within/a prison have access.

Exercise or powers of Superintendent, Medical Officer & Jailer.

61. All or any of the powers and duties conferred and imposed by this Regulation on a Superintendent, or a Medical Officer, or a Jailer, may, in his absence be exercised and performed by such other officer as the Government may appoint in this behalf either by name or by his official designation.

Regulation No. of 1934.

The Prisons Regulation.

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THE PRISONS REGULATION OF 1934.

****

A Regulation to amend the Law relating to Prisons.

Whereas it is expedient to amend the Law relating to prisons. His Highness the Maharaja x is pleased to enact as follows:-

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STATEMENT OF OBJECTS AND REASONS.

The Act in force does not explicitly provi for all the rules already made and embodied in the Mysore Jail Manual and is far behind the times. A new ~~ex~~ enactment is necessary to -- remedy both these defects.

CHAPTER. I.

Preliminary.

~~Title~~ Title, extent and commencement. 1. (1) This Regulation shall be called the Prisons Regulation, 1934.

(2) It extends to the whole of Mysore and

(3) It shall come into force at once.

Repeal. 2. (1) On and after the date on which this Regulation comes into force, the Prisons Act XXVI of 1870 as introduced into Mysore by notification No. 246.I.J. dated the 4th September 1879 shall be wholly repealed.

(2) But all rules and appointments made, directions given and orders issued under the said Act shall, so far as they are consistent with this Regulation, be deemed to have been respectively made, given and issued under this Regulation.

(3) Any Regulation or document referring to the said Act, shall, so far as may be, be --

:onstrued to refer to this Regulation or to the
:orresponding portion thereof.

3. In this Act-
)efinitions.

(1) "prison" means any place used permanently
)r temporarily under the general or special orders
)f the Government for the detention of prisoners and
.ncludes all lands and buildings appurtenant
:hereto. It includes a Jail or a subsidiary Jail
)r a lock-up but not a lock-up or place for the confine-
:ent of prisoners who are exclusively in the custody of
the Ploce, nor any place specially appointed by Govern-
:ent under section 541 of the Code of Criminal Procedure
1904.

(2) "criminal prisoner" means any prisoner duly
committed to custody under the warrant or order of any
Court or authority exercising criminal jurisdiction or
by order of a Court martial.

(3) "convicted criminal prisoner" means any
criminal prisoner under sentence of a Court of a Court
martial and includes a person detained in prison under
the provisions of Chapters £ VIII and XXXVI of the Code
of Criminal Procedure, 1904.

(4) "civil prisoner" means any prisoner who
is not a criminal prisoner.

(5) "remission system" means the rules for
the time being in force regulating the award of
remission in days to, and the consequent shortening
of sentences of prisoners in jails.

(6) "history ticket" means the ticket
exhibiting such information as is required in respect
of each prisoner by this Regulation or the rules
thereunder.

(7) "medical subordinate" means a Sub Assistant
Surgeon or a qualified Medical graduate.

(8)"prohibited article" means an article the introduction or removal of which into or out of a ~~xkr~~ prison is prohibited by any rule under -- this Regulation.

CHAPTER. II.

Maintenance and Officers of Prisons.

Accommodation for prisoners.

4. The Government shall provide for prisoners in the territories of Mysore accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Regulations in respect of the separation of prisoners.

Inspector-General

5. An Inspector-General shall be appointed by the Government and shall -- exercise, subject to the orders of Government, the General control and superintendence of prisons situated in the territories of Mysore.

Officers of prisons.

6. For every prison, there shall be a Superintendent, or an Officer in charge; a Medical Officer who may also be the Superintendent or the -- Officer in charge; a Jailor or a ~~Chiefs~~ Chief Warder or a Head Warder and such other subordinate officers as the Government thinks necessary.

Provided the Government may direct that for any specified prison, there shall also be a Deputy Jailor and a Medical subordinate and that for any specified ~~prxon~~ prison or prisons the office of the Jailer shall be held by the person appointed to be the officer in charge.

7. Whenever it appears to the Government

Temporary accommodation for prisoners.

that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or whenever from the outbreak of epidemic disease within any prison, or any other -- reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made, by such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in th prison.

CHAPTER. III.

Duties of Officers.

Generally.

Control and duties of officers of prisons.

8. All Officers of a prison shall obey the directions of the Superintendent, a officers subordinate to the Ja shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by this Regulation or by rules under Section 59.

Officers not to have business dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for employed by him sell or let, o derive any benefit from selling or letting, any artic to any prisoner or have any money or other business dealings, directly or indirectly with any prisoner.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any --

Officers not to be interested in prison contract.

interest, direct or indirect, in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of an article on behalf of the prison or belonging to a prisoner.

Superintendent.

11. (1) Subject to the orders of the Inspector General, the Superintendent shall

Superintendent.

manage the prison in all matters relating to discipline, -- labour, expenditure and control.

He shall correspond on all matters connected with the prison with and through the Inspector-General, submit to him such bills, reports, returns and statements within such time as may be prescribed by rules made in this behalf or by any law, rule or order of Government for the time being in force and perform such duties as are imposed on him by this Regulation or rules thereunder or under any law, rule or order of Government for the time being in force.

(2) Subject to such general or special directions as may be given by the Government the officer in charge of a Lock-up shall obey all orders, not inconsistent with this Regulation, or any rule thereunder which may be given respecting the Lock-up by the District Magistrate.

12. The Superintendent shall keep, or

Records to be kept by the Superintendent.

cause to be kept the following

(1) a register of prisoners admitted;

(2) a book showing when each prisoner is to be released;

(3) a punishment book for the entry of the punishments inflicted on prisoners afor prison-offences;

(4) a Visitor's book for the entry of any observations made by the Visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners.

and all such other records as may be prescribed by rules made under Section 59 of this Regulation or by any other Regulation, Code, rule or order of Government for the time being in force.

Medical Officers.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the Medical and Sanitary administration of the prison and shall perform such duties as may be prescribed by rules made by the Government in this behalf under Section 59.

Duties of Medical Officer.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, is likely to be, affected by the discipline or treatment to which he is subjected, the Medical Officers shall report the case in writing to the Superintendent, together with such observations as he may think proper. This report with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

Medical Officer to report in certain cases.

15. On the death of any prisoner, the Medical Officer shall forthwith record or cause to be recorded in a register the following particulars so far as they can be ascertained, namely:-

Report on death of prisoner.

(1) the day on which the deceased first complained of illness or was observed to be ill;

(2) the labour, if any, on which he was engaged on that day;

(3) the scale of his diet on that day;

(4) the day on which he was admitted to hospital;

(5) the day on which the Medical Officer was first informed of the illness,

(6) the nature of the disease,

(7) when the deceased was last seen before his death by the Medical Officer or Medical subordinate;

(8) when the prisoner died, and

(9) (in cases where a post-mortem examination is made) an account of the appearance after death,

together with any special remarks that appear to the Medical Officer to be required

16. (1) Where there is no Medical Officer or where his services are not available by reason of sickness or otherwise, the Government shall by general or special order appoint a substitute for him and the substitute so appointed shall be competent to perform any duty required by this Regulation or by any rule made thereunder, to be performed by the Medical Officer.

Absence of Medical Officer.

(2) Where there is no substitute for the Medical Officer appointed by Government by General or special order, the Medical

subordinate that may have been appointed to the prison shall, during the absence of the Medical Officer, perform all the duties of the Medical Officer.

Jailer.

Jailer.

17. (1), The Jailer shall reside in the prison, unless the Superintendent permits him to reside elsewhere.

(2) The Jailer shall not, without the Inspector General's sanction in writing, be concerned in any other employment.

Jailer to give notice of death of prisoner.

18. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent who shall cause an inquest to be held by a Magistrate as to the cause of death.

Responsibility of Jailer.

19. The Jailer shall be responsible for the safe custody of the records of the records to be kept under Section 12, for the commitment warrants and all other documents confided to his care and for the money and other articles taken from prisoners.

Jailer to be present at night.

20, The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent, but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

Powers of Deputy Jailer and Officer of prison.

21. (1) Where a Deputy Jailer is appointed to a prison, he shall be competent to perform any duty required by this Regulation or by any rule under Section 59 to be performed by the Jailer.

(2) Where there is no Deputy Jailer, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Jailer is absent from the prison or is temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the Jailer.

Subordinate Officers.

Duties of Gate-keeper.

22. The Officer acting as Gate-Keeper or any other officer of the prison, may examine anything carried into or out of the prison and may stop and search, or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property --- belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer.

Subordinate officers not to be absent without leave.

23. Subordinate officers shall not be absent from the prison without leave from the Superintendent, or from the Jailer, and before absenting themselves they shall leave their keys in the Jailer's office.

Convict Officers.

24. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code.

CHAPTER. IV.

Admission, Removal and Discharge of prisoners.

Prisoners to be searched on entrance.

24. (1) When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every prisoner shall also, as soon as possible after admission, be examined by, or under the General or special orders of, the Medical Officer, who shall enter, or cause to be entered in the book referred to in Section 12(1) of this Regulation, a record of the state of the prisoner's health, of any wounds or marks on his person, his age, weight and height, the class of labour he is fit for if sentenced to rigorous imprisonment and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried by a woman under the general or special orders of the Medical Officer.

Effects of prisoners.

26. All money or other articles in respect whereof no order of a competent Court has been made and which may, with proper authority, be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Jailer.

Removal and discharge of prisoners.

27. (1) All prisoners previously to, discharge, or being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that

the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER. V.

Discipline of prisoners.

Separation of prisoners.

28. The requisitions of this Regulation with respect to the separation of prisioners are as follows:-

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings or in separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;

(2) in a prison where male prisoners under the age of eighteen years are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners ~~shall~~ shall be kept apart from the criminal prisoners.

Association and segregation of prisoners.

20. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individuality in cells or partly in one way and partly in the other.

Solitary confinement

30. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer.

31. (1) Every prisoner under sentence of death shall, immediately on his arrival after sentence, be searched by, or by order of, the Jailer, and all the articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

Prisoners under sentence of death.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

Food, clothing and Bedding of Civil and unconvicted criminal prisoners.

32. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself and to purchase, or receive from private sources and at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General who may, in the case of civil prisoners, disallow either generally or in individual cases, private bedding and insist on the use of the same supplied from the prison at the cost of detaining creditors.

Maintenance of certain prisoners from private sources.

33. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food, clothing, bedding or other necessaries or receiving the same from private

Restriction on transfer of food and clothing between certain prisoners.

sources for such time as the Superintendent thinks proper.

Supply of clothing & bedding to Civil and unconvicted criminal prisoners.

34. (1) Every Civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficien clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, ~~each~~ such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of clothing and bedding so supplied to the prisone and in default of such payment, the prisoner shall be released.

CHAPTER VII.

Employment of prisoners.

Employment of civil prisoners.

35. (1) Civil prisoners may, with the ~~xxxxxxxx~~ Superintendent's permission, work and follow any trade or profession

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prisoner, shall be allowed to receive the whole of their earnings; but the earnings of suc as are furnished with implements or are maintained at the expense of the prisone shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

36. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than eight hours in any one day.

Employment of criminal prisoners.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

37. Provision shall be made by the Superintendent for the employment (as long as they desire) of all criminal prisoners sentenced to simple imprisonment. The Superintendent shall prescribe the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, except by debarring him from work or by depriving him of any privilege that has accrued to him by volunteering to labour.

Employment of criminal prisoners sentenced to Simple imprisonment.

CHAPTER VIII

Health of prisoners.

38. (1) the names of prisoners desiring to see the Medical Officer or appearing out

Sick prisoners.

of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailor.

(2) The Jailer shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer respecting alterations of the discipline or treatment of any such prisoner.

Entry of directions by Medical Officer in journal.

39. All directions given by the Medical officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the Jailer stating in respect of each direction the fact of its having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of entry.

Hospital.

40. In every prison, a hospital or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

Visits to prisoners.

Visits to civil and unconvicted criminal prisoners.

41. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of Justice, prisoners undertrial may see their duly qualified legal advisers without the presence of any other person.

Search of visitors.

42. (1) The Jailor may demand the name and address of any visitor to a prisoner, and when the Jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof shall be entered in his Diary.

CHAPTER X.

Offences in relation to prisons.

Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.

43. Whoever, contrary to any rule under section 59, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison any prohibited article and

and every officer of a prison, who contrary to any such rule knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison, and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees or to both.

Power to arrest for offence under section 43.

44. When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence or gives a name or residence which such officer knows or has reason to believe, to be false, such officer may arrest him and shall, without unnecessary delay, make him over to a Police Officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

Publication of penalties.

45. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 43 and the penalties incurred by their commission.

CHAPTER XI.

Prison-offences.

46. The following acts are declared to be prison-offences when committed by a prisoner.

(1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison-offence;

(2) any assault or use of criminal force;

(3) the use of any insulting or threatening language;

(4) immoral, or indecent, or disorderly behaviour;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

(7) filing, cutting, altering or removing, hand-cuffs, fetters or bars without due authority;

(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;

(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;

(10) wilful damage to prison-property;

(11) tampering with or defacing history tickets, records or documents;

(12) receiving, possessing or transferring any prohibited article;

(13) feigning illness;

(14) wilfully bringing a false accusation against any officer or prisoner;

(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official; and

(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

47. The Superintendent may examine any such offence, and determine thereupon and punish such offence by:-

Punishment of such offences.

(1) a formal warning;

Explanation. A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

(2) change of labour to some more irksome or severe form;

(3) hard labour for a period not exceeding seven days in the case of prisoners not sentenced to rigorous imprisonment;

(4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by Government;

(5) imposition of hand-cuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(6) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(7) separate confinement for any period not exceeding six months;

Explanation. Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

(8) Penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by Government.

Provided that such restriction of diet shall in no case be applied to a priso

for more than seventy-two consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week.

(9) Solitary confinement for any period not exceeding seven days;

Provided that after ~~such~~ each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary confinement;

Explanation - Solitary confinement - means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners;

(10) whipping, provided that the number of stripes shall not exceed thirty;

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of hand-cuffs, or fetters or to whipping.

Plurality of punishments under Sec.47.

48. Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions:-

(1) formal warning shall not be combined with any other punishment except change of labour

(2) Penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with separate confinement.

(3) solitary confinement shall not be combined with separate confinement so as to prolong the total period of seclusion to which the prisoner shall be liable;

(4) whipping shall not be combined with any other form of punishment except separate confinement or loss of privileges admissible under the remission system.

Award of punishments under Secs.47 & 48

49. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishments to be in accordance with foregoing sections.

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing

sections, shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Medical Officer to certify to fitness of prisoner for punishment.

51. (1) No punishment of penal diet, either singly or in combination, or of

whipping, or of change of labour under section 47(2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punisl ment book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether the he considers any modification necessary.'

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

52. (1) In the punishment book prescribed in section 12, there shall be recorded, in respect of every punishment inflicted the prisoners name, Register number, and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded and the date of infliction.

(2) In the case of every srious prison-offence, the names of the witnesses proving the offence shall be recorded

and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.

Procedure on committed heinous offence.

53. If any prisoner is guilty of any ~~offen~~ offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment ~~which~~ which he has power under this Regulation to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or, of any Magistrate of the First Class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing punishment when he committed such offence, or may sentence him to any of the punishments enumerated in Section 47.

Provided that any such case may be transferred, for enquiry and trial, by the District Magistrate to any Magistrate of the First Class; and

Provided also that no person shall be punished twice for the same offence.

54. All corporal punishment within the

prison shall be inflicted in the presence of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

55. (1) Every Jailer or Officer subordinate to him who shall be guilty of any violation of duty, or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison-duty or who shall be guilty of cowardice, shall be liable, on conviction before the Superintendent, to fine not exceeding one hundred rupees, or on conviction before a Jurisdictional Magistrate to whom the Superintendent shall report the circumstances of the case, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) Any fine imposed by the Superintendent under this section may be recovered, either by deduction from the convicted Officer's pay and allowances or under the law for the time being in force for the recovery of arrears of land revenue.

(3) No person shall, under this

section, be punished twice for the same offence.

CHAPTER XII.

Miscellaneous.

Extra-mural custody, control and employment of prisoners.

56. A prisoner, when being taken to or from a prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison shall be deemed to be in prison, and shall be subject to all the same incidents as if he were actually in prison.

Confinement in irons.

57. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the Government, so confine them.

Prisoners not to be ironed by jailers except under necessity.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

Power to make rules.

59. The Government may, from time to time, make rules consistent with this Act.

(1) for the classification of prisons and description and construction of wards, cells and other places of detention;

(2) for the regulation of numbers,

length or character of sentences or otherwise of the prisoners to be confined in each class of prisons;

(3) for the Government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this regulation;

(4) for the appointment and guidance of visitors of prisoners;

(5) Prescribing the uniform to be worn by prison officers and defining the status of prison-officers to whom the uniform so prescribed may be supplied at Government expense;

(6) defining the status of prison officers liable to furnish security for the proper discharge of their duties, the amount and the manner of depositing such security;

(7) for the classification and separation of prisoners confined in prison; and for regulating the confinement of convicted criminal prisoners under section 29;

(8) for regulating the admission of prisoners into the prison and for calculating the date of the beginning of sentence and the date of termination in the case of each prisoner;

(9) for the preparation and maintenance of history-tickets; and for the registering of prisoners and their body-weights;

(10) for the imposition of irons and the cutting of hairs or the shaving of the head of criminal prisoners on

grounds of health or cleanliness or otherwise ;

(11) for the observance of general discipline and daily routine in prison, for the provision and use by prisoners of latrines, baths, lights and books and for the observance of religious feasts, fasts and ceremonies by them;

(12) defining the acts which shall constitute prison-offences and the articles the introduction or removal of which into or out of a prison without due authority is prohibited ;

(13) fixing the punishments admissible under this Regulation which shall be awardable for commission of prison-offences or classes thereof;

(14) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence;

(15) for the award of remission and gratuity for good conduct, industry and special services on the part of prisoners and for the selection and appointment with specific duties of prisoners as officers of prisons;

(16) for the constitution of Advisory Boards to consider and recommend to Government, in such manner as prescribed by it, the cases of such convicted prisoners as have served such portion of their sentence as prescribed by Government, for

release

elease on probation before the expiry of their entences;

(17) as to the food, clothing and bedding of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;

(18) for the employment, instruction and control of convicts within or without prisons, for the guidance of guards over them, for the regulation of task work to be performed by each prisoner and the remuneration payable to him in such manner as prescribed by Government for work done in excess of such task work;

(19) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;

(20) for dealing with property brought by or with a prisoner or sent for his use or found on him after admission;

(21) for the religious ministration of prisoners;

(22) for regulating the transmission of appeals and petitions from prisoners and interviews and communications with their friends;

(23) for regulating the transfer of prisoners from one prison to another;

(24) for the manner of releasing prisoners, defining the circumstances and regulating the conditions under which prisoners in danger of death or incapable of committing crime may be released;

(25) for the method of guarding the prison and for regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(26) for regulating the part to be played by each officer or prisoner in the case of escape, outbreak, death, accident, suicide or fire,

(27) for regulating the medical and sanitary administration of the prison;

(28) for the maintenance of Jail garden and farm and regulating the method of procuring articles for use in the prison;

(29) for the reception, detention, treatment and discharge of the various classes of prisoners;

(30) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics and of Lepers confined in prisons;

(31) for working the manufactory Department of a prison;

(32) for regulating the method of carrying out correspondence, and cash transactions, for the maintenance of registers and records, for their preservation and their periodical destructions, and for the preparation and submission of reports, statistical and other returns in the case of each prison or classes of prisons;

(33) for extending or withholding any or all of the provision of this Regulation

Regulation and of the rules thereunder to or from a Sub-Jail or a Lockup or a special place of confinement under Section 541 Criminal Procedure Code, and to or from the officers employed and the prisoners confined therein;

34) generally in regard to the admission, custody, employment, dieting, treatment and release of prisoners and for other purposes consistent with this regulation.

). Copies of rules under Section 59, so far s they affect the Government or prisons, shall e exhibited in English or in the Vernacular n some place to which all persons employed/within a ison have access.

Exhibition of copies of rules.

l. All or any of the powers and duties onferred and imposed by this Regulation on Superintendent, or a Medical Officer, r a Jailor, may, in his absence be exercised nd performed by such other officer as the overnment may appoint in this behalf either y name or by his official designation.

Exercise or powers of Superintendent, Medical Officer & Jailer.

Regulation No. of 1934.

The Prisons Regulation.

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THE PRISONS REGULATION OF 1934.

A Regulation to amend the Law relating to Prisons.

Whereas it is expedient to amend the Law relating to prisons. His Highness the Maharaja is pleased to enact as follows:-

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STATEMENT OF OBJECTS AND REASONS.

The Act in force does not explicitly provid for all the rules already made and embodied in the Mysore Jail Manual and is far behind the times. A new enactment is necessary to -- remedy both these defects.

CHAPTER. I.

Preliminary.

Title, extent and commencement. 1. (1) This Regulation shall be called the Prisons Regulation, 1934.

(2) It extends to the whole of Mysore and

(3) It shall come into force at once.

Repeal. 2. (1) On and after the date on which this Regulation comes into force, the Prisons Act XXVI of 1870 as introduced into Mysore by notification No. 248.I.J. dated the 4th September 1879 shall be wholly repealed.

(2) But all rules and appointments made, directions given and orders issued under the said Act shall, so far as they are consistent with this Regulation, be deemed to have been respectively made, given and issued under this Regulation.

(3) Any Regulation or document referring to the said Act, shall, so far as may be, be --

construed to refer to this Regulation or to the corresponding portion thereof.

3. In this Act-
Definitions.

(1) "prison" means any place used permanently or temporarily under the general or special orders of the Government for the detention of prisoners and includes all lands and buildings appurtenant thereto. It includes a Jail or a subsidiary Jail or a lock-up but not a lock-up or place for the confinement of prisoners who are exclusively in the custody of the Ploce, nor any place specially appointed by Government under section 541 of the Code of Criminal Procedure 1904.

(2) "criminal prisoner" means any prisoner duly committed to custody under the warrant or order of any Court or authority exercising criminal jurisdiction or by order of a Court martial.

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court of a Court martial and includes a person detained in prison under the provisions of Chapters X VIII and XXXVI of the Code of Criminal Procedure, 1904.

(4) "civil prisoner" means any prisoner who is not a criminal prisoner.

(5) "remission system" means the rules for the time being in force regulating the award of remission in days to, and the consequent shortening of sentences of prisoners in Jails.

(6) "history ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Regulation or the rules thereunder.

(7) "medical subordinate" means a Sub Assistant Surgeon or a qualified Medical graduate.

(8)"prohibited article" means an article the introduction or removal of which into or out of a ~~pkr~~ prison is prohibited by any rule under -- this Regulation.

CHAPTER. II.

Maintenance and Officers of Prisons.

4. The Government shall provide for prisoners in the territories of Mysore accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Regulations in respect of the separation of prisoners.

Accommodation for prisoners.

5. An Inspector-General shall be appointed by the Government and shall -- exercise, subject to the orders of Government, the General control and superintendence of prisons situated in the territories of Mysore.

Inspector-General

6. For every prison, there shall be a Superintendent, or an Officer in charge; a Medical Officer who may also be the Superintendent or the -- Officer in charge; a Jailor or a ~~Shikh~~ Chief Warder or a Head Warder and such other subordinate officers as the Government thinks necessary.

Officers of prisons.

Provided the Government may direct that for any specified prison, there shall also be a Deputy Jailor and a Medical subordinate and that for any specified ~~pkkn~~ prison or prisons the office of the Jailer shall be held by the person appointed to be the officer in charge.

7. Whenever it appears to the Government

Temporary accommodation for prisoners.

that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or whenever from the outbreak of epidemic disease within any prison, or any other -- reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made, by such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER. III

Duties of Officers.

Generally.

Control and duties of officers of prisons.

8. All Officers of a prison shall obey the directions of the Superintendent, all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by this Regulation or by rules under Section 59.

Officers not to have business dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings, directly or indirectly with any prisoner.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any --

Officers not to be interested in prison contract.

interest, direct or indirect, in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of an article on behalf of the prison or belonging to a prisoner.

Superintendent.

11. (1) Subject to the orders of the Inspector General, the Superintendent shall

Superintendent.

manage the prison in all matters relating to discipline, -- labour, expenditure and control.

He shall correspond on all matters connected with the prison with and through the Inspector-General, submit to him such bills, reports, returns and statements within such time as may be prescribed by rules made in this behalf or by any law, rule or order of Government for the time being in force and perform such duties as are imposed on him by this Regulation or rules thereunder or under any law, rule or order of Government for the time being in force.

(2) Subject to such general or special directions as may be given by the Government the officer in charge of a Lock-up shall obey all orders, not inconsistent with this Regulation, or any rule thereunder which may be given respecting the Lock-up by the District Magistrate.

12. The Superintendent shall keep, or

Records to be kept by the Superintendent.

cause to be kept the following records.

(1) a register of prisoners admitted;

(2) a book showing when each prisoner is to be released;

(3) a punishment book for the entry of the punishments inflicted on prisoners for prison-offences;

(4) a Visitor's book for the entry of any observations made by the Visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners.

and all such other records as may be prescribed by rules made under Section 59 of this Regulation or by any other Regulation, Code, rule or order of Government for the time being in force.

Medical Officers.

13. Subject to the control of the Superintendent the Medical Officer shall

Duties of Medical Officer.

charge of the Medical and Sanitary administra-

of the prison and shall perform such duties

ay be prescribed by rules made by the Governme

his behalf under Section 59.

6. Whenever the Medical Officer has reason to

cal Officer to report ertain cases. believe that the mind a prisoner is, is lik

e, affected by the discipline or treatment to

e subjected, the Medical Officers shall report

e in writing to the Superintendent, together wi

observations as he may think proper. This re

the orders of the Superintendent thereon, sha

hwith be sent to the Inspector-General for inf

.

15. On the death of any prisoner, the Medical Officer shall forthwith record or cause to be recorded in a register the following particulars so far as they can be ascertained, namely:-

Report on death of prisoner.

(1) the day on which the deceased first complained of illness or was observed to be ill;

(2) the labour, if any, on which he was engaged on that day;

(3) the scale of his diet on that day;

(4) the day on which he was admitted to hospital;

(5) the day on which the Medical Officer was first informed of the illness,

(6) the nature of the disease,

(7) when the deceased was last seen before his death by the Medical Officer or Medical subordinate;

(8) when the prisoner died, and

(9) (in cases where a post-mortem examination is made) an account of the appearance after death,

together with any special remarks that appear to the Medical Officer to be require

16. (1) Where there is no Medical Office or where his services are not available by reason of sickness or otherwise, the Government shall by general or special order appoint a substitute for him and the substitute so appointed shall be competent to perform any duty required by this Regulation or by any rule made thereunder, to be performed by th Medical Officer.

Absence of Medical Officer.

(2) Where there is no substitute for the Medical Officer appointed by Government by General or special order, the Medical

subordinate that may have been appointed to the prison shall, during the absence of the Medical Officer, perform all the duties of the Medical Officer.

Jailer.

Jailer.

17. (1) The Jailer shall reside in the prison, unless the Superintendent permits him to reside elsewhere.

(2) The Jailer shall not, without the Inspector General's sanction in writing, be concerned in any other employment.

Jailer to give notice of death of prisoner.

18. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent who shall cause an inquest to be held by a Magistrate as to the cause of death.

Responsibility of Jailer.

19. The Jailer shall be responsible for the safe custody of the records to be kept under Section 12, for the commitment warrants and all other documents confided to his care and for the money and other articles taken from prisoners.

Jailer to be present at night.

20. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent, but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

Powers of Deputy Jailer and Officer of prison.

21. (1) Where a Deputy Jailer is appointed to a prison, he shall be competent to perform any duty required by this Regulation or by any rule under Section 59 to be performed by the Jailer.

(2) Where there is no Deputy Jailer, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Jailer is absent from the prison or is temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the Jailer.

Subordinate officers.

22. The Officer acting as Gate-Keeper or any other officer of the prison, may examine anything carried into or out of the prison and may stop and search, or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer.

Duties of Gate-keeper.

23. Subordinate officers shall not be absent from the prison without leave from the Superintendent, or from the Jailer, and before absenting themselves they shall leave their keys in the Jailer's office.

Subordinate officers not to be absent without leave.

24. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code

Convict officers.

CHAPTER. IV.

Admission, Removal and Discharge of prisoners.

24. (1) When a prisoner is first admitted,

Prisoners to be searched on entrance.

and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every prisoner shall also, as soon as possible after admission, be examined by, or under the General or special orders of, the Medical Officer, who shall enter, or cause to be entered in the book referred to in Section 12(1) of this Regulation, a record of the state of the prisoner's health, of any wounds or marks on his person, his age, weight and height, the class of labour he is fit for if sentenced to rigorous imprisonment and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried by a woman under the general or special orders of the Medical Officer.

26. All money or other articles in respect whereof no order of a competent Court has been made and which may, with proper authority, be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Jailer.

Effects of prisoners.

27. (1) All prisoners previously to, discharge, or being removed to any other prison, shall be examined by the Medical Officer.

Removal and discharge of prisoners.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that

the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER. V.

Discipline of prisoners.

Separation of prisoners.

28. The requisitions of this Regulation with respect to the separation of prisoners are as follows:--

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings or in separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any inte course with, the male prisoners;

(2) in a prison where male prisoners under the age of eighteen years are confined, means shall be provided for separating them altogethe from the other prisoners and for separating tho of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners ~~shall~~ shall be kept apart from the criminal prisoners.

Association and segregation of prisoners.

20. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individuality in cells or partly in one way and partly in the other.

Solitary confinement

30. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any ti with an officer of the prison, and every prisoner so confined in a cell for more than twenty four hours, whether as a punishment or otherwis shall be visited at least once a day by the Medical Officer.

31. (1) Every prisoner under sentence of death shall, immediately on his arrival after sentence, be searched by, or by order of, the Jailer, and all the articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

Prisoners under sentence of death.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

Food, clothing and Bedding of Civil and unconvicted criminal prisoners.

32. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself and to purchase, or receive from private sources and at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General who may, in the case of civil prisoners, disallow either generally or in individual cases, private bedding and insist on the use of the same supplied from the prison at the cost of detaining creditors.

Maintenance of certain prisoners from private sources.

33. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food, clothing, bedding or other necessaries or receiving the same from private

Restriction on transfer of food and clothing between certain prisoners.

sources for such time as the Superintendent thinks proper.

Supply of clothing & bedding to Civil and unconvicted criminal prisoners.

34. (1) Every Civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, ~~each~~ such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of clothing and bedding so supplied to the prisoner; and in default of such payment, the prisoner shall be released.

CHAPTER VII.

Employment of prisoners.

Employment of civil prisoners.

35. (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prisoner, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

36. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than eight hours in any one day.

Employment of criminal prisoners.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

37. Provision shall be made by the Superintendent for the employment (as long as they desire) of all criminal prisoners sentenced to simple imprisonment. The Superintendent shall prescribe the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, except by debarring him from work or by depriving him of any privilege that has accrued to him by volunteering to labour.

Employment of criminal prisoners sentenced to Simple imprisonment.

CHAPTER VIII

Health of prisoners.

38. (1) The names of prisoners desiring to see the Medical Officer or appearing out

Sick prisoners.

of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailor.

(2) The Jailer shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer respecting alterations of the discipline or treatment of any such prisoner.

Entry of directions by Medical Officer in journal.

39. All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the Jailer stating in respect of each direction the fact of its having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of entry.

Hospital.

40. In every prison, a hospital or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

Visits to prisoners.

41. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of Justice, prisoners undertrial may see their duly qualified legal advisers without the presence of any other person.

Visits to civil and unconvicted criminal prisoners.

42. (1) The Jailor may demand the name and address of any visitor to a prisoner, and when the Jailor has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

Search of visitors.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission, and the grounds of such proceeding, with the particulars thereof shall be entered in his Diary.

CHAPTER X.

Offences in relation to prisons.

43. Whoever, contrary to any rule under section 59, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article, and

Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.

and every officer of a prison, who, contrary to any such rule knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison, and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees or to both

Power to arrest for offence under section 43.

44. When any person, in the presence of an officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence or gives a name or residence which such officer knows or has reason to believe, to be false, such officer may arrest him and shall without unnecessary delay, make him over to a Police Officer, and thereupon such Police-Officer shall proceed as if the offence had been committed in his presence.

Publication of penalties.

45. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 43 and the penalties incurred by their commission.

CHAPTER XI.

Prison-offences.

48. The following acts are declared to be prison-offences when committed by a prisoner.

(1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison-offence;

(2) any assault or use of criminal force;

(3) the use of any insulting or threatening language;

(4) immoral, or indecent, or disorderly behaviour;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

(7) filing, cutting, altering or removing, hand-cuffs, fetters or bars without due authority;

(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;

(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;

(10) wilful damage to prison-property;

(11) tampering with or defacing history tickets, records or documents;

(12) receiving, possessing or transferring any prohibited article;

(13) feigning illness;

(14) wilfully bringing a false accusation against any officer or prisoner;

(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official; and

(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

47. The Superintendent may examine any such offence, and determine thereupon and punish such offence by:-

Punishment of such offences.

(1) a formal warning;

Explanation. A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

(2) change of labour to some more irksome or severe form;

(3) hard labour for a period not exceeding seven days in the case of prisoners not sentenced to rigorous imprisonment;

(4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by Government;

(5) imposition of hand-cuffs of such patter and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(6) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(7) separate confinement for any period not exceeding six months;

Explanation. Separate confinement mean such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to hav his meals in association with one or more other prisoners;

(8) Penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by Government.

Provided that such restriction of diet shall in no case be applied to a prison

for more than seventy-two consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week.

(9) Solitary confinement for any period not exceeding seven days;

Provided that after ~~such~~ each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary confinement;

Explanation - Solitary confinement - means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners;

(10) whipping, provided that the number of stripes shall not exceed thirty;

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of hand-cuffs, or fetters or to whipping.

Plurality of punishments under Sec.47.

48. Any two of the punishments enumerated in the last foregoing sectio may be awarded for any such offence in combination, subject to the following exceptions:

(1) formal warning shall not be combined with any other punishment except change of labour

(2) Penal diet shall not be combined ~~with~~ with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with separate confinement.

(3) Solitary confinement shall not be combined with separate confinement so as to prolong the total period of seclusion to which the prisoner shall be liable;

(4) whipping shall not be combined with any other form of punishment except separate confinement or loss of privileges admissible under the remission system.

Award of punishments under Secs.47 & 48

49. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishments to be in accordance with foregoing sections.

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing

sections, shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Medical Officer to certify to fitness of prisoner for punishment.

51. (1) No punishment of penal diet, either singly or in combination, or of

whipping, or of change of labour under section 47(2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

Entries in the punishment book.

52. (1) In the punishment book prescribed in section 12, there shall be recorded, in respect of every punishment inflicted, the prisoner's name, Register number, and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison offence was committed, the number of previous prison-offences recorded against the prisoner and the date of his last prison-offence, the punishment awarded and the date of infliction.

(2) In the case of every serious prison-offence, the names of the witnesses proving the offence shall be recorded

and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.

Procedure on committed heinous offence.

53. If any prisoner is guilty of any ~~offen~~ offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment ~~xx~~ which he has power under this Regulation to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or, of any Magistrate of the First Class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing punishment when he committed such offence, or may sentence him to any of the punishments enumerated in Section 47.

Provided that any such case may be transferred, for enquiry and trial, by the District Magistrate to any Magistrate of the First Class; and

Provided also that no person shall be punished twice for the same offence.

54. All corporal punishment within the

prison shall be inflicted in the presenc of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

Offences by prison subordinates.

55. (1) Every Jailer or Officer subor dinate to him who shall be guilty of any vi lation of duty, or wilful breach or neglect of any rule or regulation or lawful order made by competent authori or who shall withdraw from the duties of his office without permission or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison-du or who shall be guilty of cowardice, shall be liable, on conviction before the Superintendent, to fine not exceedi one hundred rupees, or on conviction before a Jurisdictional Magistrate to whom the Superintendent shall report the circumstances of the case, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

(2) Any fine imposed by the Superintendent under this section may be recovered, either by deduction from the convicted Officer's pay and allowances or under the law for the time being in force for the recovery of arrears of land revenue.

(3) No person shall, under this

ection, be punished twice for the same offence.

CHAPTER XII.

Miscellaneous.

Extra-mural custody, control and employment of prisoners.

56. A prisoner, when being taken to or from a prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison shall be deemed to be in prison, and shall be subject to all the same incidents as if he were actually in prison.

Confinement in irons.

57. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the Government, so confine them.

Prisoners not to be ironed by jailers except under necessity.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

Power to make rules.

59. The Government may, from time to time, make rules consistent with this Act.

(1) for the classification of prisons and description and construction of wards, cells and other places of detention:

length or character of sentences or otherwise of the prisoners to be confined in each class of prisons;

(3) for the Government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this regulation;

(4) for the appointment and guidance of visitors of prisoners;

(5) Prescribing the uniform to be worn by prison officers and defining the status of prison-officers to whom the uniform so prescribed may be supplied at Government expense;

(6) defining the status of prison officers liable to furnish security for the proper discharge of their duties, the amount and the manner of depositing such security;

(7) for the classification and separation of prisoners confined in prison; and for regulating the confinement of convicted criminal prisoners under section 29;

(8) for regulating the admission of prisoners into the prison and for calculating the date of the beginning of sentence and the date of termination in the case of each prisoner;

(9) for the preparation and maintenance of history-tickets; and for the registering of prisoners and their body-weights;

(10) for the imposition of irons and the cutting of hairs or the shaving of the head of criminal prisoners on

grounds of health or cleanliness or otherwise ;

(11) for the observance of general discipline and daily routine in prison, for the provision and use by prisoners of latrines, baths, lights and books and for the observance of religious feasts, fasts and ceremonies by them;

(12) defining the acts which shall constitute prison-offences and the articles the introduction or removal of which into or out of a prison without due authority is prohibited ;

(13) fixing the punishments admissible under this Regulation which shall be awardable for commission of prison-offences or classes thereof;

(14) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence;

(15) for the award of remission and gratuity for good conduct, industry and special services on the part of prisoners and for the selection and appointment with specific duties of prisoners as officers of prisons;

(16) for the constitution of Advisory Boards to consider and recommend to Government, in such manner as prescribed by it, the cases of such convicted prisoners as have served such portion of their sentence as prescribed by Government, for

release

on probation before the expiry of their
ns;
as to the food, clothing and bedding of
criminal prisoners and of civil
prisoners maintained otherwise than at
their own cost;
for the employment, instruction and
control of convicts within or with-
out prisons, for the guidance of
guards over them, for the regula-
tion of task work to be performed by
each prisoner and the remuneration
payable to him in such manner as pres-
cribed by Government for work done in
excess of such task work;
for classifying and prescribing the
forms of labour and regulating the
periods of rest from labour;
for dealing with property brought by
or with a prisoner or sent for his
use or found on him after admission;
for the religious ministration of
prisoners;
) for regulating the transmission of
appeals and petitions from prisoners
and interviews and communications
with their friends;
) for regulating the transfer of
prisoners from one prison to
another;
) for the manner of releasing prisoners,
defining the circumstances and
regulating the conditions under which
prisoners in danger of death or
incapable of committing crime may

(25) for the method of guarding the prise and for regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(26) for regulating the part to be playe by each officer or prisoner in the case of escape, outbreak, death, accident, suicide or fire,

(27) for regulating the medical and sanitary administration of the prise

(28) for the maintenance of Jail garden and farm and regulating the method o procuring articles for use in the prison;

(29) for the reception, detention, treatme and discharge of the various classes of prisoners;

(30) for the treatment, transfer and disposal of criminal lunatics or recovered original lunatics and of Lepers confined in prisons;

(31) for working the manufactory Departme of a prison;

(32) for regulating the method of carryir out correspondence, and cash transac tions, for the maintenance of registers and records, for their preservation and their periodical destructions, and for the preparation and submission of reports, statistical a other returns in the case of each prison or classes of prisons;

(33) for extending or withholding any or all of the provision of this Regula-
tion

ulation and of the rules thereunder
or from a Sub-Jail or a Lockup or
pecial place of confinement under
tion 541 Criminal Procedure Code,
. to or from the officers employed
(the prisoners confined therein;
orally in regard to the admission,
tody, employment, dieting, treatment
: release of prisoners and for other
poses consistent with this regula-
n.

opies of rules under Section 59, so far affect the Government or prisons, shall o exhibited in English or in the Vernacular n some place to which all persons employed/within ison have access.

Exhibition of copies of rules.

1. All or any of the powers and duties onferred and imposed by this Regulation on Superintendent, or a Medical ~~Offi~~ Officer, r a Jailer, may, in his absence be exercised nd performed by such other officer as the overnment may appoint in this behalf either y name or by his official designation.

Exercise of powers of Superintendent, Medical Officer & Jailer.

Regulation No. of 1934.

The Prisons Regulation.

C o n t e n t s.

CHAPTER I.

Preliminary.

Sections.

1. Title, extent and commencement
2. Repeal
3. Definitions

Chapter II.

Maintenance and officers of Prisons.

4. Accommodation for prisoners
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****

THE PRISONS REGULATION OF 1934.

****

A Regulation to amend the Law relating to Prisons.

Whereas it is expedient to amend the Law relating to prisons. ~~His Highness the Maharaja is pleased to~~ It is hereby enacted as follows:-

---

STATEMENT OF OBJECTS AND REASONS.

The Act in force does not explicitly prov for all the rules already made and embodied in the Mysore Jail Manual and is far behind the times. A new ~~ex~~ enactment is necessary to remedy both these defects.

CHAPTER. I.

Preliminary.

~~Title~~ Title, extent and commencement. 1. (1) This Regulation shall be called the Prisor Regulation, 1934.

(2) It extends to the whole of Mysore and

(3) It shall come into force at once.

Repeal. 2. (1) On and after the date on which this Regulation comes into force, the Prisons Act XXVI of 1870 as introduced into Mysore by notification No. 246.I.J. dated the 4th September 1879 shall be wholly repealed.

(2) But all rules and appointments made, directions given and orders issued under the said Act shall, so far as they are consistent with this Regulation, be deemed to have been respectively made, given and issued under this Regulation.

(3) Any Regulation or document referring to the said Act shall, so far as may be, be

construed to refer to this Regulation or to the corresponding portion thereof.

3. In this Act-
Definitions.

(1) "prison" means any place used permanently or temporarily under the general or special orders of the Government for the detention of prisoners and includes all lands and buildings ~~xxxxxxxxx~~ appurtenant thereto. It includes a Jail or a ~~xxxxx~~ subsidiary Jail or a lock-up but not a lock-up or place for the confinement of prisoners who are exclusively in the custody of the Ploce, nor any place specially appointed by Government under section 541 of the Code of Criminal Procedure 1904.

(2) "criminal prisoner" means any prisoner duly committed to custody under the warrant or order of any Court or authority exercising criminal jurisdiction or by order of a Court martial.

(3) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court of a Court martial and includes a person detained in prison under the provisions of Chapters ~~X~~ VIII and XXXVI of the Code of Criminal Procedure, 1904.

(4) "civil prisoner" means any prisoner who is not a criminal prisoner.

(5) "remission system" means the rules for the time being in force regulating the award of remission in days to, and the consequent shortening of sentences of prisoners in jails.

(6) "history ticket" means the ticket ~~xxxxxx~~ exhibiting such information as is required in respect of each prisoner by this Regulation or the rules thereunder.

(7) "medical subordinate" means a Sub Assistant Surgeon or a qualified Medical graduate.

(8)"prohibited article" means an article the introduction or removal of which into or out of a ~~xix~~ prison is prohibited by any rule under -- this Regulation.

CHAPTER. II.

Maintenance and Officers of Prisons.

Accommodation for prisoners.

4. The Government shall provide for prisoners in the territories of Mysore accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Regulations in respect of the separation of prisoners.

Inspector-General

5. An Inspector-General shall be appointed by the Government and shall -- exercise, subject to the orders of Government, the General control and superintendence of prisons situated in the territories of Mysore.

Officers of prisons.

6. For every prison, there shall be a Superintendent, or an Officer in charge; a Medical Officer who may also be the Superintendent or the -- Officer in charge; a Jailor or a ~~Chiefs~~ Chief Warder or a Head Warder and such other subordinate officers as the Government thinks necessary.

Provided the Government may direct that for any specified prison, there shall also be a Deputy Jailor and a Medical subordinate and that for any specified ~~prisa~~ prison or prisons the office of the Jailer shall be held by the person appointed to be the officer in charge.

7. Whenever it appears to the Government

Temporary accommodation for prisoners.

that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or whenever from the outbreak of epidemic disease within any prison, or any other -- reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made, by such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER. III

Duties of Officers

Generally.

Control and duties of officers of prisons.

8. All Officers of a prison shall obey the directions of the Superintendent, all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by this Regulation or by rules under Section 59.

Officers not to have business dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings, directly or indirectly with any prisoner.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any --

Officers not to be interested in prison contract.

interest, direct or indirect, in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of an article on behalf of the prison or belonging to a prisoner.

Superintendent.

11. (1) Subject to the orders of the Inspector General, the Superintendent shall

Superintendent.

manage the prison in all matters relating to discipline, labour, expenditure and control.

He shall correspond on all matters connected with the prison with and through the Inspector-General, submit to him such bills, reports, returns and statements within such time as may be prescribed by rules made in this behalf or by any law, rule or order of Government for the time being in force and perform such duties as are imposed on him by this Regulation or rules thereunder or under any law, rule or order of Government for the time being in force.

(2) Subject to such general or special directions as may be given by the Government the officer in charge of a Lock-up shall obey all orders, not inconsistent with this Regulation, or any rule thereunder which may be given respecting the Lock-up by the District Magistrate.

12. The Superintendent shall keep, or

Records to be kept by the Superintendent.

cause to be kept

(1) a register of prisoners admitted;

(2) a book showing when each prisoner is to be released;

(3) a punishment book for the entry of the punishments inflicted on prisoners for prison-offences;

(4) a Visitor's book for the entry of any observations made by the Visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners.

and all such other records as may be prescribed by rules made under Section 59 of this Regulation or by any other Regulation, Code, rule or order of Government for the time being in force.

Medical Officers.

Duties of Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the Medical and Sanitary administration of the prison and shall perform such duties as may be prescribed by rules made by the Government in this behalf under Section 59.

Medical Officer to report in certain cases.

14. Whenever the Medical Officer has reason to believe that the mind of a prisoner is, is likely to be, affected by the discipline or treatment to wh he is subjected, the Medical Officers shall report th case in writing to the Superintendent, together with such observations as he may think proper. This repor with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for inform tion.

15. On the death of any prisoner, the Medical Officer shall forthwith record or cause to be recorded in a register the following particulars so far as they can be ascertained, namely:-

Report on death of prisoner.

(1) the day on which the deceased first complained of illness or was observed to be ill;

(2) the labour, if any, on which he was engaged on that day;

(3) the scale of his diet on that day;

(4) the day on which he was admitted to hospital;

(5) the day on which the Medical Officer was first informed of the illness,

(6) the nature of the disease,

(7) when the deceased was last seen before his death by the Medical Officer or Medical subordinate;

(8) when the prisoner died, and

(9) (in cases where a post-mortem examination is made) an account of the appearance after death,

together with any special remarks that appear to the Medical Officer to be required

16. (1) Where there is no Medical Officer or where his services are not available by reason of sickness or otherwise, the Government shall by general or special order appoint a substitute for him and the substitute so appointed shall be competent to perform any duty required by this Regulation or by any rule made thereunder, to be performed by the Medical Officer.

Absence of Medical Officer.

(2) Where there is no substitute for the Medical Officer appointed by Government by general or special order, the Medical

(2) Where there is no Deputy Jailer, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Jailer is absent from the prison or is temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the Jailer.

Subordinate Officers.

Duties of Gate-keeper.

22. The Officer acting as Gate-keeper or any other officer of the prison, may examine anything carried into or out of the prison and may stop and search, or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property --- belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer.

Subordinate officers not to be absent without leave.

23. Subordinate officers shall not be absent from the prison without leave from the Superintendent, or from the Jailer, and before absenting themselves they shall leave their keys in the Jailer's office.

Convict Officers.

24. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code.

CHAPTER. IV.

Admission, Removal and Discharge of prisoners.

24. (1) When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Prisoners to be searched on entrance.

(2) Every prisoner shall also, as soon as possible after admission, be examined by, or under the General or special orders of, the Medical Officer, who shall enter, or cause to be entered in the book referred to in Section 12(1) of this Regulation, a record of the state of the prisoner's health, of any wounds or marks on his person, his age, weight and height, the class of labour he is fit for if sentenced to rigorous imprisonment and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried by a woman under the general or special orders of the Medical Officer.

26. All money or other articles in respect whereof no order of a competent Court has been made and which may, with proper authority, be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Jailer.

Effects of prisoners.

27. (1) All prisoners previously to, discharge, or being removed to any other prison, shall be examined by the Medical Officer.

Removal and discharge of prisoners.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that

the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER. V.

Discipline of prisoners.

Separation of prisoners.

28. The requisitions of this Regulation with respect to the separation of prisioners are as follows:--

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings or in separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;

(2) in a prison where male prisoners under the age of eighteen years are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners ~~shall~~ shall be kept apart from the criminal prisoners.

Association and segregation of prisoners.

29. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individuality in cells or partly in one way and partly in the other.

Solitary confinement

30. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prisons, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the

31. (1) Every prisoner under sentence of death shall, immediately on his arrival after sentence, be searched by, or by order of, the Jailor, and all the articles shall be taken from him which the Jailor deems it dangerous or inexpedient to leave in his possession.

Prisoners under sentence of death.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

Food, clothing and Bedding of Civil and unconvicted criminal prisoners.

32. A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself and to purchase, or receive from private sources and at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-General who may, in the case of civil prisoners, disallow either generally or in individual cases, private bedding and insist on the use of the same supplied from the prison at the cost of detaining creditors.

Maintenance of certain prisoners from private sources.

33. No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food, clothing, bedding or other necessaries or receiving the same from private

Restriction on transfer of food and clothing between certain prisoners.

sources for such time as the Superintendent thinks proper.

Supply of clothing & bedding to Civil and unconvicted criminal prisoners.

34. (1) Every Civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, ~~each~~ such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of clothing and bedding so supplied to the prisoner; and in default of such payment, the prisoner shall be released.

CHAPTER VII.

Employment of prisoners.

Employment of civil prisoners.

35. (1) Civil prisoners may, with the ~~permission~~ Superintendent's permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prisoner, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prisone shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

36. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than eight hours in any one day.

Employment of criminal prisoners.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.

(3) when the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

37. Provision shall be made by the Superintendent for the employment (as long as they desire) of all criminal prisoners sentenced to simple imprisonment. The Superintendent shall prescribe the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, except by debarring him from work or by depriving him of any privilege that has accrued to him by volunteering to labour.

Employment of criminal prisoners sentenced to simple imprisonment.

CHAPTER VIII

Health of prisoners.

38. (1) the names of prisoners desiring to see the Medical Officer or appearing out

Sick prisoners.

of health in mind or body shall, without delay, be reported by the officer in immediate charge or such prisoners to the Jailor.

(2) The Jailer shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer respecting alterations of the discipline or treatment of any such prisoner.

Entry of directions by Medical Officer in journal.

39. All directions given by the Medical officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the Jailer stating in respect of each direction the fact of its having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of entry.

Hospital.

40. In every prison, a hospital or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX.

Visits to prisoners.

41. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisioners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners undertrial may see their duly qualified legal advisers without the presence of any other person.

visits to civil and unconvicted criminal prisoners.

42. (1) The Jailer may demand the name and address of any visitor to a prisoner, and when the Jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

Search of visitors.

(2) In case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof shall be entered in his Diary.

CHAPTER X.

Offences in relation to prisons.

43. Whoever, contrary to any rule under section 59, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article, and

Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.

and every officer of a prison, who, contrary to any such rule knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison, and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees or to both.

Power to arrest for offence under section 43.

44. When any person, in the presence of an officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence or gives a name or residence which such officer knows or has reason to believe, to be false, such officer may arrest him and shall, without unnecessary delay, make him over to a Police Officer, and thereupon such Police-Officer shall proceed as if the offence had been committed in his presence.

Publication of penalties.

45. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 43 and the penalties incurred by their commission.

CHAPTER XI.

Prison-offences.

46. The following acts are declared to be prison-offences when committed by a prisoner.

(1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison-offence;

(2) any assault or use of criminal force;

(3) the use of any insulting or threatening language;

(4) immoral, or indecent, or disorderly behaviour;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

(7) filing, cutting, altering or removing, hand-cuffs, fetters or bars without due authority;

(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;

(9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;

(10) wilful damage to prison-property;

(11) tampering with or defacing history tickets, records or documents;

(12) receiving, possessing or transferring any prohibited article;

(13) feigning illness;

(14) wilfully bringing a false accusation against any officer or prisoner;

(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official; and

(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

47. The Superintendent may examine any such offence, and determine thereupon and punish such offence by:-

Punishment of such offences.

(1) a formal warning;

Explanation. A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;

(2) change of labour to some more irksome or severe form;

(3) hard labour for a period not exceeding seven days in the case of prisoners not sentenced to rigorous imprisonment;

(4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by Government;

(5) imposition of hand-cuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(6) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(7) separate confinement for any period not exceeding six months;

Explanation. Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

Penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by Government.

Provided that such restriction of diet shall in no case be applied to a prisoner

for more than seventy-two consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week.

(9) solitary confinement for any period not exceeding seven days;

Provided that after ~~such~~ each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary confinement;

Explanation - Solitary confinement - means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners;

(10) whipping, provided that the number of stripes shall not exceed thirty;

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of hand-cufrs, or fetters or to whipping. .

Plurality of punishments under Sec.47.

48. Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions:

(1) formal warning shall not be combined with any other punishment except change of labour

(2) Penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with separate confinement.

(3) solitary confinement shall not be combined with separate confinement so as to prolong the total period of seclusion to which the prisoner shall be liable;

(4) whipping shall not be combined with any other form of punishment except separate confinement or loss of privileges admissible under the remission system.

Award of punishments under Secs.47 & 48

49. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishments to be in accordance with foregoing sections.

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing

sections, shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Medical Officer to certify to fitness of prisoner for punishment.

51. (1) No punishment of penal diet, either singly or in combination, or of

whipping, or of change of labour under section 47(2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

52. (1) In the punishment book prescribed in section 12, there shall be recorded, in respect of every punishment inflicted, the prisoner's name, Register number, and the class (whether habitual or not) to which he belongs, the prison offence of which he was guilty, the date on which such prison offence was committed, the number of previous prison-offences recorded against the prisoner and the date of his last prison-offence, the punishment awarded and the date of infliction.

(2) In the case of every grious prison-offence, the names of the witnes

and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.

Procedure on committed heinous offence.

53. If any prisoner is guilty of any ~~offx~~ offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment ~~wx~~ which he has power under this Regulation to award, the Superintendent may forward such prisoner to the Court of the District Magistrate or, of any Magistrate of the First Class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing punishment when he committed such offence, or may sentence him to any of the punishments enumerated in Section 47.

Provided that any such case may be transferred, for enquiry and trial, by the District Magistrate to any magistrate or the First Class; and

Provided also that no person shall be punished twice for the same offence.

54. All corporal punishment within the

prison shall be inflicted in the pres
of the Superintendent, subject to the
law for the time being in force relat
to the infliction of corporal punishm
and the precautions to be taken in
reference thereto.

55. (1) Every Jailer or Officer su
dinate to him shall be guilty of any
lation of duty, or wilful breach or
neglect of any rule or regulation or
lawful order made by competent autho
or who shall withdraw from the dutie
of his office without permission or
without having given previous notice
writing of his intention for the peri
of two months, or who shall wilfully
overstay any leave granted to him, or
who shall engage without authority i
any employment other than his prison-
or who shall be guilty of cowardice,
shall be liable, on conviction befor
the Superintendent, to fine not excee
one hundred rupees, or on conviction
before a Jurisdictional Magistrate t
whom the Superintendent shall report
the circumstances of the case, to fin
not exceeding two hundred rupees, or
imprisonment for a period not exceedi
three months, or to both.

(2) Any fine imposed by the Superi
tendent under this section may be re-
covered, either by deduction from the
convicted Officer's pay and allowance
or under the law for the time being i
force for the recovery of arrears of
land revenue.

(3) No person shall, under this

section, be punished twice for the same offence.

CHAPTER XII.

Miscellaneous.

Extra-mural custody, control and employment of prisoners.

56. A prisoner, when being taken to or from a prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison shall be deemed to be in prison, and shall be subject to all the same incidents as if he were actually in prison.

Confinement in irons.

57. Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the Government, so confine them.

Prisoners not to be ironed by jailers except under necessity.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

Power to make rules.

59. The Government may, from time to time, make rules consistent with this Act.

(1) for the classification of prisons and description and construction of wards, cells and other places of detention;

(2) for the regulation of numbers

wise of the prisoners to be confined in each class of prisons;

(3) for the Government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this regulation;

(4) for the appointment and guidance of visitors of prisoners;

(5) Prescribing the uniform to be worn by prison officers and defining the status of prison-officers to whom the uniform so prescribed may be supplied at Government expense;

(6) defining the status of prison officers liable to furnish security for the proper discharge of their duties, the amount and the manner of depositing such security;

(7) for the classification and separation of prisoners confined in prison; and for regulating the confinement of convicted criminal prisoners under section 29;

(8) for regulating the admission of prisoners into the prison and for calculating the date of the beginning of sentence and the date of termination in the case of each prisoner;

(9) for the preparation and maintenance of history-tickets; and for the registering of prisoners and their body-weights;

(10) for the imposition of irons and the cutting of hairs or the shaving of the head of criminal prisoners on

grounds of health or cleanliness or otherwise ;

(11) for the observance of general discipline and daily routine in prison, for the provision and use by prisoners of latrines, baths, lights and books and for the observance of religious feasts, fasts and ceremonies by them;

(12) defining the acts which shall constitute prison-offences and the articles the introduction or removal of which into or out of a prison without due authority is prohibited ;

(13) fixing the punishments admissible under this Regulation which shall be awardable for commission of prison-offences or classes thereof;

(14) declaring the circumstances in which acts constituting both a prison-offences and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence;

(15) for the award of remission and gratuity for good conduct, industry and special services on the part of prisoners and for the selection and appointment with specific duties of prisoners as officers of prisons;

(16) for the constitution of Advisory Boards to consider and recommend to Government, in such manner as prescribed by it, the cases of such convicted prisoners as have served such portion of their sentence as prescribed by Government, for

release on probation before the expiry of their sentences;

(17) as to the food, clothing and bedding of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;

(18) for the employment, instruction and control of convicts within or without prisons, for the guidance of guards over them, for the regulation of task work to be performed by each prisoner and the remuneration payable to him in such manner as prescribed by Government for work done in excess of such task work;

(19) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;

(20) for dealing with property brought by or with a prisoner or sent for his use or found on him after admission;

(21) for the religious ministration of prisoners;

(22) for regulating the transmission of appeals and petitions from prisoners and interviews and communications with their friends;

(23) for regulating the transfer of prisoners from one prison to another;

(24) for the manner of releasing prisoners, defining the circumstances and regulating the conditions under which prisoners in danger of death or incapable of committing crime may be released;

(25) for the method of guarding the prison and for regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(26) for regulating the part to be played by each officer or prisoner in the case of escape, outbreak, death, accident, suicide or fire;

(27) for regulating the medical and sanitary administration of the prison;

(28) for the maintenance of Jail garden and farm and regulating the method of procuring articles for use in the prison;

(29) for the reception, detention, treatment and discharge of the various classes of prisoners;

(30) for the treatment, transfer and disposal of criminal luntatics or recovered criminal lunatics and of Lepers confined in prisons;

(31) for working the manufactory Department of a prison;

(32) for regulating the method of carrying out correspondence, and cash transactions, for the maintenance of registers and records, for their preservation and their periodical destructions, and for the preparation and submission of reports, statistical and other returns in the case of each prison or classes of prisons;

(33) for extending or withholding any or all of the provision of this Regulation

Regulation and of the rules thereunder to or from a Sub-Jail or a Lockup or a special place of confinement under Section 541 Criminal Procedure Code, and to or from the officers employed and the prisoners confined therein;

(34) generally in regard to the admission, custody, employment, dieting, treatment and release of prisoners and for other purposes consistent with this regulation.

60. Copies of rules under Section 59, so far as they affect the Government or prisons, shall be exhibited in English or in the Vernacular in some place to which all persons employed within a rison have access.

Exhibition of copies of rules.

61. All or any of the powers and duties conferred and imposed by this Regulation on a Superintendent, or a Medical Officer, or a Jailer, may, in his absence be exercised and performed by such other officer as the Government may appoint in this behalf either by name or by his official designation.

Exercise or powers of Superintendent, Medical Officer & Jailer.

Prisons Act. Rule 0 persons

Important Modifications now suggested.

Chapter I

Sec. 3. Definition of prison is added

Chapter II.

Sec. 9. Regarding salaries and dismissal of officers has been omitted unnecessary for reasons given by him.

Chapter III

Sec. 11. The ~~regulation of~~ working of the British Indian Act is adopted in place of the details particulars given in the existing Regulation.

Sec. 13. A concise section has been put as in British Indian Act instead of a detailed one.

Sec. 15. The British Act being more & elaborate is adopted.

~~Sec~~ The present section 19 has ~~been~~ been omitted as it has been provided for under section 30 in the draft Act.

Sec. 18. A clause about inquest to be held by a Magistrate on the death of a prisoner is inserted.

~~Sec. 21.~~ The present section 21 is omitted without any reason being assigned

Seen. 24. This is newly added.

Chapter IV.

4-Seen. 2 The ~~Regulation~~ section is so modified as to apply to civil prisoners also and is amplified on the lines of the British Act.

A sub-seen is added so as to provide for the searching of female prisoners a

N.B. There is ~~no~~ no section 25 in the draft.

The heading of ~~Seen~~ Rule seen. 26 is modified so as to apply to all prisoners but there is no modification in the seen. itself

Chapter V:

~~Seen~~ Seen. 28. —(2) The proposed seen. provides for the separation of prisoners of less than 18 years from others and also of them those that have attained the age of puberty from those that have not. (It appears desirable to fix an age for the latter also)

Seen. 29. A new section is added on the lines of the British Act about the grouping of convicted prisoners.

The existing seen. 31 is omitted.

Seen. 30. Seen. 29 of the British Act is adopted as it is in conformity with the existing practice

chapter VI.

The chapter as well as the sections are to modified as to include convicted criminal prisoners as in the British act

chapter VII.

N.B. It is not known where provision has been made in regard to convicted criminal prisoners.

Secn. 35.

This section is proposed to be modified so as to provide for civil prisoners to follow any trade or profession, as in British or instead of their own profession as originally provided for.

Secn. 36

(1) A new section has been added providing for 8 hours labour to all criminal prisoners sentenced to labour and others. This is in conformity with the British Act and the Mysore Jail manual, Rules 249-253.

(2) A new sub section is added to provide for the periodical examination of the criminals by the medical officer and the fortnightly record of weight.

(3) This corresponds to existing section 3 and is proposed to be adapted being by way.

Section 37.

This section is modified so as to provide for the forfeiture of privileges for the neglect of voluntary labour undertaken by criminal prisoners sentenced to simple imprisonment

Chapter IX.

Section 41.

The section in the British act providing only for the visits of friends of prisoners and the legal advisers of the undertrials is proposed to be adopted. The portion relating to correspondence is proposed to be omitted here and of the power in the matter being acquired under section 69.

Chapter X.

Section 43 —

Section 42 of the British act which is more comprehensive is proposed to be adopted.

N.B. In the present regulation the punishment under the section is said to be Rigorous imprisonment. but in the proposed Regulation it is simple.

Section 44

A new section to stay down the proceeds for the arrest of persons committing offence under the previous section is proposed to be introduced.

Section 45. — Both the heading and the section ~~of section 44 of the~~ British Act is proposed to be adopted being more comprehensive.

Chapter XI

Section 46. — (8)(9) The words 'prisoner sentenced to R. Imprisonment' is proposed to be substituted for 'convicted criminal prisoner. The change is anyway for the better.

(11-15) These sub-sections are merely ~~all~~ on the lines of the British Act.

Section 47:— punishment for prison offences — The section is much amplified on the model of the British Act. 10 more forms of punishment have been proposed to be introduced. ~~In the drafting state there is a change according to the care in the classification and the Record of punishments in a separate book.~~

Section 48:- Re: plurality of punishments

Section 49 — Award of punishments

" 50 — Mode of "

" 51 — certificate of prisoners' fitness to receive punishments.

instead of the paragraph under our old section 48, a new section 52 is added and amplified ab entries in the punishment c

Section 53 — this is based on the British and is proposed to be adopte instead of old section 49.

Section 55 — this is remodelled on the of the British act. in place of existing section 51.

Section 56 — this is nearly added on the h of the British act.

Section 58 — this section is remodelled on lines of the British act.

Section 59 — Various matters reg which Rules have to be made ha been combined, rearranged and amplified so as to give legal bases to the Rules already made and included in the foil and Lock-up Manuals.

the present section 55 ratifying the action taken under the previous Regulation is omitted.

Section 61 — This is amplified on the model of the British Act

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat 2150

Dated, Bangalore, 15th Septr. 1933.

No. G 2048 Pris

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Superintendent,
Government Book Depot,
Bangalore.

Sir,

I am directed to request you to be so good as to state how many copies of the Mysore Jail Manual, 1918 Edition, Volumes I & II, are available in the Book Depot.

I have the honour to be,
Sir,
Your most obedient servant,

Draft

For Chief Secretary to Government.

Appendix F G—1]

SUBJECT.....

.....

....

Section Dns

File No.

Serial No.

Diary No. of letter replied to ....

No. G 2048

To

The Superintendent Book Depot.

Sir

I am directed to request you kindly to send us to state how many copies of the Mysore Jail Manual, 1918 Edition, Vols I & II are available in the Book Depot.

I have etc

MK 15/9
15/9
for Chief Secretary to Govt

General and Revenue Secretariat

( )

the *193* .

Date of issue 21-9-33

Signed by Mr M J Rosa

GOVERNMENT CENTRAL BOOK DEPOT, BANGALORE.

No. 1285 -
M. Por — 1125 -
Enc.
5/10/33

From

30th September 193 3.

5 OCT 193

The Superintendent,
Govt. Central Book Depot,
Bangalore.

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

Sir,

With reference to your letter No.G.2048/Pris.dated th 21st inst. enquiring as to how many copies of Jail Manual Volume I and II (1918 Edition) are available in the Depot, I have the honour to state that there are 383 copies of Jail Manual Volume I and 2 copies ~~that~~ of Vol.II, in stock at the Depot.

I have the honour to be,
Sir,
Your most obedient servant

Superintendent

3/10/33

tor General of Prisons in Mysore,
Bangalore.

I am directed to state that the Jail and Lock-up Manuals were printed in 1917 and a number of addenda and corrigenda slips have been issued to them time after time. I am to request you to be so good as to statewhether it is not now necessary to issue a revised edition incorporating the changes made up-to-date.

I have the honour to be,
Sir,
Your most obedient servant,

Chief Secretary to Government.

Section

File No.

Serial No.

Diary No. of letter replied to 1491

No. G 2621

To The D.C. of Divisions.

Sir

General and Revenue Secretariat

( )

the 193 .

I am directed to ~~request you to be~~ state that the Jail Rockups Manuals were printed in 1917 & a number of addenda & corrigenda slips have been issued to the time after time. I am to request you to be so good as to state whether it is not now necessary to ~~print~~ issue a revised edn incorporating the changes ~~since~~ made up to da

I have a

te of issue 24.10.33

ned by Mr M. C. Rao

FROM

Sadtravaidya Pravina

S. SUBBA RAO, ESQ., B.A., M.B.C.M., M.R.C.S., (ENG.) L.R.C.P., D.P.H.,
INSPECTOR GENERAL OF PRISONS IN MYSORE, BANGALORE.

TO

The General Secretary to the Government of
His Highness the Maharaja of Mysore,
BANGALOR

SIR.

With reference to your letter No.G.2621/Pris., dated 23/24th October 1933, I have the honour to state that, in m opinion, it is very necessary that revised editions of the Mysore Jail and Lockup Manuals should be issued duly incorp rating therein the corrections made up-to-date. In this c nection, I have to point out that the rules in the Mysore J Manual being merely verbatim reproductions of those in the Madras Jail Manual which have for the legal basis the Briti Indian Act No.IX. of 1894 are in many respects far in advanc of the Prisons Act of 1870 on which they are based. For i stance, Section 47 of the 1870 Act, which alone is in force Mysore, declares only 11 actions to be offences against Pris Dicipline, while rule 275 Mysore Jail Manual gives 43 insta ces of them. While, again, Section 48 in the Act empowers t Superintendent of a Jail to punish prison offences by solit confinement, or penal diet or whipping or by hard labour, Ru 278, 279 and 280 of the Mysore Jail Manual provide for puni ing them with forfeiture of remission and imposition of har cuffs and fetters. There are thus a number of rules of th like in our Jail Manual which do not find necessary legal sanction in the Act.

I therefore propose to revise both the Act and the Jail Manual so that the provisions in the one may not be at vari- ance with those in the other. The Superintendent of the Ban galore Central Jail, whom I have already consulted in the ma-

in the matter, has agreed to undertake the work with the assistance of Mr. Venkoba Rao, Jailor, who has had long and varied experience in the Department and submit the necessary draft of the new Act as well as of the Jail and Lockup Manuals within a period of six months.

The proposed revision of the Act and the Manuals involves heavy additional work to the Chief Jailor and it is but reasonable that he should be adequately remunerated for this. I therefore recommend that he may be given an honorarium of Rs.300/- after the work is completed.

I have the honour to be

Sir,

Your most obedient serva

S. Subbarao

Inspector General of Pris

KSR.

SUBJECT .....

.....

.....

Section Pris

File No. 35-33

Serial No. 2

Diary No. of letter replied to .....

No. G 4464

To The I.G. of Prisons.

Sir,

General and Revenue Secretariat

( )

the *193* .

With reference to your letter No. 1323-4 dated 21-11-1933 reporting that the Cuddapah Central Jail has agreed to undertake the work of revising the Prisons Act and the Madras Jail and the Lock-up Manuals with the assistance of Mr. Venkoba Rao, Jailor, and to submit the necessary draft of the new Act as well as of the ~~Jail and the Lock-up~~ Manuals within a period of six months and recommending the grant of an honorarium of Rs 300/- to the Chief Jailor in connection with the above, I am directed to state that as only ~~after the revision is effected and the new Act published,~~

Date of issue 29/12/33

Signed by Dr. Jayakar Rao

List of enclosures .....

Copied by .....

Examined by .....

that there is no need to fix the amount now. It has to depend
upon the actual amount of extra work
involved which can be ascertained only after the
~~could be known. The~~ ~~approximate~~ ~~could be ascertained~~ work is finished.
~~to state that for~~
~~that~~

I have etc

RM
23/12 General secretary

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, 26th December 1933.

2943

Secretary to the Government of His Highness the Maharaja of Mysore.

The Inspector General of Prisons in Mysore,

B a n g a l o r e.

Sir,

With reference to your letter No.1323-4 dated 21-1 1933, reporting that the Superintendent, Bangalore Central J. has agreed to undertake the work of revising the Prisons Act and the Mysore Jail and the Lock-up Manuals with the assista of Mr. Venkoba Rao, Jailor, and to submit the necessary draf of the new Act as well as of the Manuals within a period of six months and recommending the grant of an honorarium of Rs 300/- to the Chief Jailor in connection with the above, I am directed to state that there is no need to fix the amount no It has to depend on the actual amount of extra work involved which can be ascertained only after the work is finished.

I have the honour to b
S i r,
Your most obedient servant,

Office of the Inspector General of Prison
in Mysore

Bangalore, dated the 6 September 19

10.60 41

ÖM.

Sastravaidya Pravina'
S. SUBBA RAO, Esq., B.A., M.B.C.M., M.R.C.S., (Eng.) L.R.C.P., D.P.H.,
INSPECTOR-GENERAL OF PRISONS IN MYSORE, BANGALORE

The General Secretary to the Government of His Highnes
the Maharaja of Mysore, Bangalore.

Referring to the correspondence ending with your letter
o.G. 4464/Pris. 35-33-2 dated the 26th/29th December 1933, about
ssuing revised edition of the Prison's Act, and the Mysore Jail
nd Lock-up Manuals I have the honour to forward herewith a copy
f letter No. 1151/F. 64 dated the 23rd May 1934, together with
ts enclosures in original received from the Superintendent,
entral Jail, Bangalore, and to state that I quite agree with the
uperintendent in the opinion that even the British Act of 1894
does not go far enough to afford specific basis to all the rules
in the Jail Manual, ad that the sections require suitable amplific
tion.

Prison administration has made rapid strides in all advaned countries and has of late been raised to the level of a speciality in itself. In these circumstances, the amendment of a regulation which was enacted more than half a century ago appears to me to be very necessary.

The enclosed manuscript copy traces the evolution of the proposed new regulation out of the existing Act coupled with the British India Act and shows, in detail, the necessity for the modifi cations proposed. I may add that the Superintendent has taken great pains to draft the amendments accurately.

I request you will be so good as to move the Government for a very early introduction of an amended prisons Act in Mysore.

I have the honour to be,

Sir,

Your most obedient servant

S. Subbarao

Inspector-General of Prisons

Adverting to correspondence ending with
f the 6th January 1934, in the matter of th
risons Act and the Mysore Jail and Lockup
onor to forward herewith, for favour of yo
ission to Government, a draft in duplicate
ation which has to replace the existing la
s contained in the said Act.

2. In drafting the proposed Regulation, I had before me
he Prisons Act of 1870 as it is in force in Mysore and the
ct of 1894 as it is in force in British India, but I have
ollowed the latter as the Rules framed thereunder having b
ncluded in the Mysore Jail Manual are already in force.

3. I found that even the British Act of 1894 did not go
enough to afford specific legal basis to all the Rules in t
Manual, and have therefore amplified the section therein w
confers powers to make Rules to the extent necessary to rem
this defect which is the main feature of the proposed Regul

4. The accompanying book in manuscript shows you how the
Regulation has been drafted. The pages in it have four col
In the first column are shown the sections of the Prisons
as it is in force here. The second column contains the co
ponding sections of the Act in force in British India. The
column contains my commentaries and reasons for adopting o
rejecting or modifying and adopting either. The last colu
sections as finally proposed for adoption. The book will
enable you to gauge the work involved in compling the prop
Regulatior

THE PRISONS REGULATION, 1934.

Regulation No. of 1934.

The Prisons Regulation.

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THE PRISONS REGULATION OF 1934.

A Regulation to amend the Law relating to Prisons.

Whereas it is expedient to amend the Law relating to prisons, His Highness the Maharaja is pleased to enact as follows:-

---

Statement of objects and reasons.

The Act in force does not explicit provide for all the rules already made an embodied in the Mysore Jail Manual and is far behind the times. A new enactment is necessary to remedy both these defects.

CHAPTER I.

Preliminary.

Title, extent and commencement.

1. (1) This Regulation shall be called the Prisons Regulation, 1934.

(2) It extends to the whole of Mysor

and (3) It shall come into force at once.

2. (1) On and after the date on which this Regulation comes into force, the

Repeal. Prisons Act XXVI of 1870 as introduced into Mysore by notification No.246.I.J. dated the 4th September 1879 shall be wholly repealed.

(2) But all rules and appointments made, directions given and orders issued under the said Act shall, so far as they are consistent with this Regulation, be deemed to have been respectively made, given and issued under this Regulation.

(3) Any Regulation or document referring to the said Act shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Definitions. 3. In this Act-

(1) "prison" means any place used permanently or temporarily under the - general or special orders of the -- Government for the detention of prisoners and includes all lands and buildings - appurtenant thereto. It includes a Jail or a subsidiary Jail or a lockup but not a lockup or place for the confinement of prisoners who are exclusively in the -- custody of the Police, nor any place -- specially appointed by Government under Section 541 of the Code of Criminal --- Procedure, 1904.

(2) "criminal prisoner" means any prisoner duly committed to custody under the warrant or order of any Court or -- authority exercising criminal jurisdiction or by order of a Court martial.

(3) "convicted criminal prisoner" -

means any criminal prisoner under sentence of a ~~criminal~~ Court or a Court Martial and includes a person detained in prison under the provisions of Chapters VIII and XXXVI of the Code of Criminal Procedure, 1904.

(4) "civil prisoner" means any prison who is not a criminal prisoner.

(5) "remission system" means the rule for the time being in force regulating the award of remission in days to, and the consequent shortening of sentences of prisoners in jails.

(6) history ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Regulation or the rules thereunder;

(7) "medical subordinate" means a Sub Assistant Surgeon or a qualified Medical graduate.

(ℊ) "prohibited article" means a article the introduction or removal o which into or out of a prison is prohibited by any rule under this Regula tion.

CHAPTER II.

Maintenance and Officers of Prison:

Accommodation for prisoners

4. The Government shall provide fc prisoners in the terri tories of Mysore -- accommodation in prisoners constructed and regulated in such manner as to -- comply with the requisitions of this - Regulation in respect of the separatic of prisoners.

Inspector-General

5. An Inspector-General shall be appointed by the Government and shall exercise, subject to the orders of Government, the General control and superintendence of

the prisons situated in the territories of Mysore.

6. For every prison, there shall be a Superintendent, or an officer in charge; a Medical Officer who may also be the Superintendent or the Officer in charge; a Jailer or a Chief Warder or a Head warder and such other subordinate officers as the Government thinks necessary.

Officers of prisons.

Provided the Government may direct that for any specified prison, there shall also be a Deputy Jailer and a Medical subordinate and that for any specified prison or prisons the office of the Jailer shall be held by the person appointed to be the officer in charge.

7. Whenever it appears to the Government that the number of prisoners in any prison

Temporary accommodation for prisoners.

is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or whenever from the outbreak of epidemic disease within any prison, or any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made, by such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER II.

Duties of Officers.

Generally.

Control and duties of officers of prisons.

8. All officers of a prison shall obey the direction

of the Superintendent, all officers -- subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by this -- Regulation or by rules under Section 59.

Officers not to have business dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings, directly or indirectly with any prisoner.

Officers not to be interested in prison contract.

10. No officer of a prison shall, nor shall any person in trust for or employe by him, have any interest, direct or

of the Superintendent, all officers -- subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by this -- Regulation or by rules under Section 69.

Officers not to have business dealings with prisoners.

9. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business or dealings, directly or indirectly with any prisoner.

Officers not to be interested in prison contract.

10. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or --

interest, in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

11. (1) Subject to the orders of the Inspector General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure and control.

He shall correspond on all matters connected with the prison with and through the Inspector-General, submit to him such bills, reports, returns and statements within such time as may be prescribed by rules made in this behalf or by any law, rule or order of Government for the time

being in force and perform such duties as are imposed on him by this Regulation or rules thereunder or under any law, rule or order of Government for the time being in force.

(2) Subject to such general or special directions as may be given by the Government, the officer in charge of a Lockup shall obey all orders, not inconsistent with this Regulation, or any rule thereunder which may be given respecting the Lockup by the District Magistrate.

Records to be kept by the Superintendent.

12. The Superintendent shall keep, or cause to be kept the following - records:-

(1) a register of prisoners admitted;

(2) a book showing when each prisoner is to be released;

(3) a punishment book for the entry of

the punishments inflicted on prisoners for prison-offences;

(4) a Visitor's book for the entry of any observations made by the Visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners.

and all such other records as may be prescribed by rules made under Section 59 of this Regulation or by any other Regulation, Code, rule or order of Government for the time being in force.

Medical Officer.

Duties of Medical Officer.

13. Subject to the control of the Superintendent, the Medical Officer shall have charge of the Medical and Sanitary administration of the prison and shall perform such duties as may be prescribed by rules made by the Government in this

behalf under Section 59.

Medical Officer to report in certain cases.

14. Whenever the Medical Officer has reason to believe that [illegible] is, is likely to be, affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper. This report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

Report on death of prisoner.

15. On the death of any prisoner, the Medical Officer shall forthwith record or cause to be recorded in a register the following particulars so far as they can be ascertained, namely:-

(1) the day on which the deceased first complained of illness or was -- observed to be ill;

(2) the labour, if any, on which he was engaged on that day,

(3) the state of his health on that day,

(4) the day on which he was admitted to hospital,

(5) the day on which the Medical Officer was first informed of the illness,

(6) the nature of the disease

(7) when the deceased was last seen before his death by the Medical Officer or Medical Subordinate;

(8) when the prisoner died, and

(9) (in cases where a post-mortem -- examination is made) an account of the appearance after death,

together with any special remarks that appear to the Medical Officer to be -- required.

Absence of Medical Officer.

16. (1) Where there is no Medical Officer or where his services are not -- available by reason of sickness or other-

otherwise, the Government shall by general or special order appoint a substitute for him and the substitute so appointed shall be competent to perform any duty required by this Regulation or by any rule made thereunder, to be performed by the Medical Officer.

(2) Where there is no substitute for the Medical Officer appointed by Government by general or special order, the Medical subordinate that may have been appointed to the prison shall, during the absence of the Medical Officer, perform all the duties of the Medical Officer.

Jailer.

Jailer. 17. (1) The Jailer shall reside in the prison, unless the Superintendent permits him to reside elsewhere.

(2) The Jailer shall not, without

the Inspector-General's sanction in writing, be concerned in any other employment.

18. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent who shall cause an inquest to be held by a Magistrate as to the cause of death.

Jailer to give notice of death of prisoner.

19. The Jailer shall be responsible for the safe custody of the records to be kept under Section 12, for the commitment warrants and all other documents confided to his care and for the money and other articles taken from prisoners.

Responsibility of Jailer.

20. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent, but,

Jailer to be present at night.

If absent without leave for a night from unavoidable necessity, he shall --- immediately report the fact and the cause of it to the Superintendent.

21. (1) Where a Deputy Jailer is -- appointed to a prison, he shall be competent to perform any duty required by this -- Regulation or by any rule under Section 59 to be performed by the Jailer.

Powers of Deputy Jailer and Officer of prison.

(2) Where there is no Deputy Jailer, or where his services are not - available by reason of sickness or other cause, the Superintendent shall, when the Jailer is absent from the prison or is - temporarily incapacitated, appoint an - officer of the prison to act as his --- substitute during such absence or incapacity, and the substitute so appointed

shall have all the powers and perform all the duties of the Jailer.

Subordinate Officers.

Duties of Gate-Keeper.

22. The Officer acting as Gate-keeper or any other officer of the prison, may examine anything carried into or out of the prison and may stop and search, or cause to be - searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property - belonging to the prison, and, if any such article or property be found, shall give immediate notice thereof to the Jailer.

Subordinate officers not to be absent without leave.

23. Subordinate officers shall not be absent from the - prison without - leave from the Superintendent, or from - the Jailer, and before absenting themselves they shall leave their keys in the

Jailer's Office.

Convict Officers.

24. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code.

CHAPTER IV.

Admission, Removal and Discharge of Prisoners.

Prisoners to be searched on entrance.....

24. (1) When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every prisoner shall also, as soon as possible after admission, be examined by, or under the General or special orders of, the Medical Officer, who shall enter, or cause to be entered

in the book referred to in Section 12(1) of this Regulation, a record of the state of the prisoner's health, of any wounds or marks on his person, his age, weight and height, the class of labour he is fit for if sentenced to rigorous imprisonment and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoner the search and examination shall be carried by a woman under the general or special orders of the Medical Officer.

Effects of prisoners.

26. All money or other articles in respect whereof no order of a competent Court has been made and which may, with proper authority be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Jailer.

27. (1) All prisoners previously to, discharge, or being removed to any other prison, shall be examined by the Medical Officer.

Removal and discharge of prisoners.

(2) No prisoner shall be removed from one prison to another unless the - Medical Officer certifies that the --- prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharg against his will from prison, if labouring under any acute or dangerous distem nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.

Discipline of prisoners.

28. The requisitions of this Regulati with respect to the -

Separation of prisoners.

separation of prisoners are as follows:-

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings or in separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any inter-course with, the male prisoners

(2) in a prison where male prisoners under the age of eighteen years are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from the criminal prisoners.

29. Subject to the requirements of the last foregoing section, convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

Association and segregation of prisoners...

30. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer.

Solitary confinement.

31. (1) Every prisoner under sentence of death shall, immediately on his

Prisoners under sentence of death.

arrival after sentence, be searched by, or by order of, the Jailer, and all the articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

CHAPTER VI.

Food, clothing and Bedding of Civil and Unconvicted criminal prisoners.

Maintenance of certain prisoners from private sources.

32. A Civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself and to purchase, or receive from private sources and at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be --

approved by the Inspector-General who may, in the case of civil prisoners, disallow either generally or in individual cases, private bedding and insist on the use of the same supplied from the prison at the cost of detaining creditors.

Restriction on transfer of food and clothing between certain prisoners.

33. No part of any food, clothing, bedding or other necessari belonging to any civil or unconvicted criminal prisoner shall be given, ~~levied~~ hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food, clothing, bedding or other necessaries or receiving the same from private sources for such time as the Superintendent thinks proper.

34. (1) Every Civil prisoner and un-

Supply of clothing & bedding to Civil and unconvicted criminal prisoners.

unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has bee committed to prison in execution of a decree in favour of a private person, such person, or his representative, shal within forty-eight hours after the receipt by him of a demand in writing, pa to the Superintendent the cost of clothir and bedding so supplied to the prisoner; and in default of such payment, the prisoner shall be released.

CHAPTER VII.

Employment of prisoners.

Employment of

35. (1) Civil prisoners may, with th Superintendent's

permission, work and follow any trade or profession.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prisoner, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prisoner shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

Employment of criminal prisoners.

36. (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than eight hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring -- prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on - labour the weight of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be - placed on such other kind or class of -- labour as the Medical Officer may consider suited for him.

37. Provision shall be made by the Superintendent for the employment (as

Employment of ~~prisoners~~ criminal prisoners sentenced to Simple imprisonment.

long as they desire) of all criminal prisoners sentenced to simple imprisonment. The Superintendent shall prescribe the amount and nature of such -- employment; but no prisoner not sentenc--ed to rigorous imprisonment shall be - punished for neglect of work, except by debarring him from work or by depriving him of any privilege that has accrued to him by volunteering to labour.

CHAPTER VIII.

Health of prisoners.

38. (1) The names of prisoners -- Sick prisoners. desiring to see the Medical Officer or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such -- prisoners to the Jailer.

(2) The Jailer shall, without delay, call the attention of the Medical Officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer respecting alterations of the discipline or treatment of any such prisoner.

Entry of directions by Medical Officer in journal.

39. All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the Jailer stating in respect of

each direction the fact of its having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of entry.

Hospital.

40. In every prison, a hospital or proper place for the reception of sick prisoners shall be provided

CHAPTER IX.

Visits to prisoners.

Visits to Civil and unconvicted criminal prisoners.

41. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desir to communicate, care being taken that, so far as may be consistent with the interests of Justice, prisoners under-trial may see their duly qualified legal

advisers without the presence of any other person.

42. (1) The Jailer may demand the name and address of any visitor to a prisoner, and, when the Jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

Search of visitors.

(2) In case of any such visitor refusing to permit himself to be searched the Jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof shall be entered in his Diary.

CHAPTER X.

Offences in relation to prisons.

43. Whoever, contrary to any rule under Section

Penalty for introduction or removal of prohibited

articles into or from prison and communication with prisoners.

59, introduces or removes, or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article, and every officer of a prison who, contrary to any such rule knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to an prisoner outside the limits of a prison, and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate be liable to imprisonment for a term not exceeding six months, or to fine not

exceeding two hundred rupees or to both.

Power to arrest for offence under Section 43.

44. When any person, in the presence of any officer of the prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows or has reason to believe, to be false, such officer may arrest him ~~and~~ and shall, without unnecessary delay, make him over to a Police officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

Publication of penalties.

45. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited

under section 43 and the penalties incurred by their commission.

CHAPTER XI.

Prison-offences.

46. The following acts are declared to be prison-offences when committed by a prisoner.

(1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison-offence;

(2) any assault or use of criminal force;

(3) the use of any insulting or threatening language;

(4) immoral, or indecent, or disorderly behaviour;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

(7) filing, cutting, altering or removing, hand-cuffs, fetters or bars without due authority

(8) Wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;

(9) Wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;

(10) Wilful damage to prison-property;

(11) tampering with or defacing history tickets, records or documents;

(12) receiving, possessing or transferring any prohibited article;

(13) feigning illness;

(14) Wilfully bringing a false accusation against any officer or prisoner;

(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official; and

(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Punishment of such offences.

47. The Superintendent may examine any such offence, and determine thereupon and

unish such offence by:-

(1) a formal warning;

Explanation. A formal warning shall mean a warning personally addresse to a prisoner by the Superintendent and recorded in the punishment-book and ~~xxxkka~~ on the prisoner's -- history-ticket;

(2) change of labour to some more -- irksome or severe form;

(3) hard labour for a period not -- exceeding seven days in the case of prisoners not sentenced to - rigorous imprisonment;

(4) such loss of privileges admissible under the remission system for the time being in force as may be - prescribed by rules made by Govern ment;

(5) imposition of hand-cuffs of such pattern and weight, in such manner and for such period, as may be - prescribed by rules made by the Government,

(6) imposition of fetters of such patte and weight, in such manner and for such period, as may be prescribed by rules made by the Government;

(7) separate confinement for any period not exceeding six months;

Explanation. Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other -- prisoners, and allows him not less than one hour's exercise per diem and to have his meals in association with one or more other prisoners;

(8) Penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by Government.

Provided that such restriction of diet shall in no case be applied to a prisoner for more than seventy-two consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week.

(9) Solitary confinement for any period not exceeding seven days;

Provided that after each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary confinement;

Explanation-Solitary confinement means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners;

(10) whipping, provided that the number of stripes shall not exceed thirty;

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of hand-cuffs, or fetters or to whipping.

Plurality of punishments under Sec.47.

48. Any two of the punishments enumerated in the last

foregoing section may be awarded for any such offence in combination, subject to the following exceptions:-

(1) formal warning shall not be combined with any other punishment except - change of labour

(2) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additiona period of penal diet awarded singly be combined with any period of penal diet awarded in combination with -- separate confinement.

solitary confinement shall not be - combined with separate confinement so as to prolong the total period of seclusion to which the prisoner shall be liable

(4) whipping shall not be combined with any other form of punishment except

separate confinement or loss of privilege admissible under the remission system.

Award of punishments under Secs.47 & 48.

49. (1) The Superintendent shall have power to award any of the punishments enumerated in the two last foregoing sections.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Punishments to be in accordance with foregoing sections.

50. Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Medical Officer to certify to fitness of prisoner for -

51. (1) No punishment of penal diet, either singly or in combination, or of

punishment. whipping, or of change of labour under section 47 (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment book prescribed in section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks

the prisoner can undergo without injury to his health.

52. (1) In the punishment book prescr in section 12, there sh be recorded, in respect of every punishment in-

Entries in the punishment book...

flicted, the prisoner's name, Register - number, and the class (whether habitual or not) to which he belong the prison-offence of which he was guilt; the date on which such prison-offence wa committed, the number of previous prison- offences recorded against the prisoner - and the date of his last prison-offence, the punishment awarded and the date of - infliction.

(2) In the case of every serious - prison-offence, the names of witnesses - proving the offence shall be recorded, and, in the case of offences for which -- whipping is awarded, the Superintendent -

shall record the substance of the evidenc of the witnesses, the defence of the -- prisoner, and the finding with the reasor therefor.

(3) Against the entries relating to each punishment, the Jailer and the -- Superintendent shall affix their initials as evidence of the correctness of the - entries.

Procedure on committed of heinous offence.

53. If any prisoner is guilty of - any offence against - prison discipline which by reason of his having frequently -- committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Regulation to award, the -- Superintendent may forward such prisoner to the Court of the District Magistrate,

or, of any Magistrate of the First Class having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing punishment when he committed such offence, or may sentence him to any of the punishments enumerated in Section 47.

Provided that any such case may be transferred, for enquiry and trial, by the District Magistrate to any Magistrate of the First Class; and

Provided also that no person shall be punished twice for the same offence.

54. All corporal punishment within the
Whipping. prison shall be inflicted in the presence of the Superintendent, - subject to the law for the time being in force relating to the infliction of -- corporal punishment and the precautions to be taken in reference thereto.

55. (1) Every Jailer or Officer subord-
Offences by prison subordinates. nate to him who shall be guilty of any violation o duty, or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office - without permission or without having -- given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other tha

is prison-duty, or who shall be guilty
f cowardice, shall be liable, on --
onviction before the Superintendent, to
ine not exceeding one hundred rupees, o
n conviction before a Jurisdictional -
agistrate to whom the Superintendent -
hall report the circumstances of the
ase, to fine not exceeding two hundred
upees, or to imprisonment for a period
ot exceeding three months, or to both.

(2) Any fine imposed by the Superin
endent under this section may be recove
d, either by deduction from the convict
fficer's pay and allowances or under th
aw for the time being in force for the
ecovery of arrears of land revenue.

(3) No person shall, under this --
ection, be punished twice for the same
ffence.

CHAPTER XII.

Miscellaneous.

Extra-mural custody, control and employment of prisoners.

56. A prisoner, when being taken to or from a prison in which he may be - lawfully ~~xxxxxxxxxxxx~~ confined, or whenever he is working - outside or is otherwise beyond the limits of any such prison in or under - the lawful custody or control of a prison - officer belonging to such prison, shall be deemed to be in prison, and - shall be subject to all the same incidents as if he were actually in prison.

Confinement in irons.

57. Whenever the Superintendent - considers it necessary (with reference either to the - state of the prison or the character of - the prisoners) for the safe custody of - any prisoners that they should be confined in irons, he may, subject to such rules

and instructions as may be laid down by the Inspector General with the sanction of the Government, so confine them.

Prisoners not to be ironed by Jailer - except under -- necessity.

58. No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

Power to make rules.

59. The Government may, from time to time, make rules -- consistent with this Act-

(1) for the classification of prisons and description and construction of wards, cells and other places of detention;

(2) for the regulation of numbers, length or character of sentences or otherwise of the prisoners to be confined in each class of -- prisons;

(3) for the Government of prisoners and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Regulation;

(4) for the appointment and guidance of visitors of prisons;

(5) Prescribing the uniform to be worn by prison officers and defining the status of prison-officers to whom the uniform so prescribed may be supplied at Government expense;

(6) defining the status of prison -- offenders liable to furnish securit for the proper discharge of their

duties, the amount and the manner of -
depositing such security;

(7) for the classification and separati
of prisoners confined in prison; a
and for regulating the confinemen
of convicted criminal prisoners -
under section 29;

(8) for regulating the admission of -
prisoners into the prison and for
calculating the date of the ---
begining of sentence and the date
of termination in the case of eac
prisoner;

(9) for the preparation and maintenanc
of history-tickets; and for the
Registering of prisoner's and thei
body-weights;

(10) for the imposition of irons and the
cutting of hairs or the shaving o
the head of criminal prisoners on

grounds of health or cleanliness or - otherwise;

(11) for the observance of general -- discipline and daily routine in prison, for the provision and use by prisoners of latrines, baths, lights and books and for the -- observance of religious feasts, fasts and ceremonies by them;

2) defining the acts which shall -- constitute prison-offences and the articles the introduction or -- removal of which into or out of a prison without due authority is prohibited;

3) fixing the punishments admissible under this Regulation which shall be awardable for commission of - prison-offences or classes thereof;

declaring the circumstances in whic
acts constituting both a prison-
offence and an offence under the -
Indian Penal Code may or may not b
dealt with as a prison-offence;
for the award of remission and -
gratuity for good conduct, industr
and special services on the part of
prisoners and for the selection and
appointment with specific duties of
prisoners as officers of prisons;
for the constitution of Advisory -
Boards to consider and recommend to
Government, in such manner as pres-
cribed by it, the cases of such -
convicted prisoners as have served
such portion of their sentence as
prescribed by Government, for --
release on probation before the -
expiry of their sentences.

(17) as to the food, clothing and -- bedding of criminal prisoners and of civil prisoners maintained - otherwise than at their own cost;

(18) for the employment, instruction and control of convicts within or with out prisons, for the guidance of - guards over them, for the regulation of ~~xxxx~~ task work to be performed by each prisoner and the - remuneration payable to him in - such manner as prescribed by --- Government for work done in excess of such task work;

) for classifying and prescribing the forms of labour and regulating the periods of rest from labour;

) for dealing with property brought by or with a prisoner or sent for his use or found on him after -

admission;

for the religious ministration of prisoners;

for regulating the transmission of appeals and petitions from prisoner and interviews and communications with their friends;

for regulating the transfer of - prisoners from one prison to ~~and~~ another;

for the manner of releasing prisoner defining the circumstances and - regulating the conditions under - which prisoners in danger of death or incapable of committing crime - may be released;

for the method of guarding the prisc and for regulating the use of arms against any prisoner or body of - prisoners in the case of an out-

outbreak or attempt to escape;

or regulating the part to be --
played by each officer or prisoner
in the case of escape, outbreak, -
death, accident, suicide or fire,

or regulating the medical and -
sanitary administration of the --
prison;

or the maintenance of Jail garden
and farm and regulating the metho
of procuring articles for use in
the prison;

or the reception, detention, --
treatment and discharge of the -
various classes of prisoners;

or the treatment, transfer and -
disposal of criminal lunatics or
recovered criminal lunatics and
of Lepers confined in prisons;

or working the manufactory Depart

Department of a prison;

(32) for regulating the method of carrying out correspondence, and cash transactions, for the ~~maintenance, and each transactions, for the~~ maintenance of registers and records for their preservation and their periodical destructions, and for the preparation and submission of reports, statistical and other returns in the case of each prison or classes of prisons;

for extending or withholding any or all of the provisions of this Regulation and of the rules thereunder to or from a Sub-Jail or a Lockup or a special place of confinement under section 541 Criminal Procedure Code, and to or from the officers employed and the prisoners

confined therein;

(34) generally in regard to the admission custody, employment, dieting, treatment and release of prisoners and for other purposes consistent with this Regulation.

60. Copies of rules under Section 59, so far as they affect the Government of prisons, shall be exhibited in English or in the Vernacular in some place to which all persons employed within a prison have access.

Exhibition of copies of rules.

61. All or any of the powers and duties conferred and imposed by this Regulation on a Superintendent, or a Medical Officer, or a Jailer, may, in his absence be exercised and performed by such other officer as the Government may appoin

Exercise of powers of Superintendent, Medical Officer & Jailer.

in this behalf either by name or by his official designation.

Superintendent,

Bangalore Central Ja

NPV.

Draft

of the Prisons Regulation

as prepared by

the Superintendent-

Central Jail,

Bangalore.

he existing law relating to prisons is contained in the British Indian Act No: XXVI
o as introduced into Mysore by the Chief Commissioner's Notification no: 246.I.
the 4th September 1879. Since the British Act has been considerably amplified
replaced by Act IX of 1894 which is not in force in the State, but the rules
ed thereunder which are contained in the Madras Jail manual - Edition of 1915
been very closely followed in the latest edition of the Mysore Jail manual. T
et is that several of the rules now in force - such as those declaring certain act
rison offences and conferring upon the Superintendents of Jails powers to punish
offences by the forfeiture of remission earned or the imposition of hand-cuff
fetters, are ultra-vires of the specific provisions of the Act in force. Bein
ng more than half a century that has gone since the law relating to prisons
e into force in this State, the science of Prison Administration has made great
ance not only in the material aspect of the physical welfare of prisoners, but
on the reformative side of prison work. Hence the old Act requires to be amplified
d replaced by a new Regulation with specific provisions affording legal bas
the rules now in force and scope to advance with modern ideas in the matter of
il management.
ief of an above for publication:-

Statement of objects and reasons.

The Act in force does not explicitly provide for all the rules already made and
embodied in the Mysore Jail manual and is far behind the times. A new
enactment is necessary to remedy both these defects.

personal only. In the following pages, the sections of the Act now in force appear in the fir
the corresponding section
Column and of the British Indian Act in force in the next column. The third column
contains my reasons for adopting either. I have invariably adopted the latter s
into suitable modifications suited to conditions in Mysore unless I had valid objections to t
I had no access to
This I was forced to do as the literature of which the British Act is the outcome. The last
Column contains the draft of the Sections proposed to be inserted in the new Regulation
The time taken to prepare this draft was necessarily long as the work had to be don
in conjunction with the duties of the Superintendent of a large Jail.

Sections in the Prisons Act XXVI of 1870 as in force in Mysore.

Sections in the Prisons Act IX of 1894 as amended by Act XIII of 1910 as in force in British India.

The Prisons Act XXVI of 1870.
An Act to amend the law relating to Prisons.

Whereas it is expedient to amend the law relating to prisons in the territories of Mysore and to provide rules for the regulation of such prisons; It is hereby enacted as follows:-

The Prisons Act IX of 1894.
An Act to amend the law relating to prisons.

Whereas it is expedient to amend the law relating to prisons in British India and to provide rules for the regulation of such prisons; It is hereby enacted as follows:-

Chapter I

Preliminary.

Sch. Title, real extent and commencement. omitted.

Chapter I

Preliminary.

1. Title, extent and commencement. (1) This Act may be called the Prisons Act, 1894.

(2) It extends to the whole of British India including Upper Burma, British Baluchistan, the Santal Purgunas, and the Purgana of Spiti; and

(3) It shall come into force on the 1st day of July 1894.

(4) Nothing in this Act shall affect ... subsequent enactments

2 Repeal. (1) On and after the said 1st day of July 1894, the enactments mentioned in the schedule shall be repealed to the extent specified in the fourth column thereof.

S. 5 Power to make rules. All rules now in force relating to any of the matters mentioned in sections 4, 31, 39 and 54 shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

(2) But all rules and appointments made, direction given and orders issued under any of those enactments shall, so far as they are consistent with this Act be deemed to have been respectively made and issued under this Act.

dification, if any, proposed with reason therefor.	Draft of the section in the proposed Prisons Regulation.
The word 'Act' requires to be substituted by	The Prisons Regulation ..... of 193
and "Regulation" and the rest retained unto-	A regulation to amend the law relating to pri-
wards.	Whereas it is expedient to amend the l
	relating to prisons, His Highness the Maharaj
	is pleased to enact as follows:-
No change	Chapter I
No change	Preliminary
The Act. (1), (2) (3) may be retained	1. Title, extent and commence- ment. (1) This Regulation shall
with necessary changes. It should	called the Prisons Regulation,
come into force at once as the rules	
for the making of which provision	(2) It extends to the whole of Mysore
would be made are already in	
force.	and (3) It shall come into force at once.
	All
Not necessary.	
repealed section 2 in the Mysore Act may have	2 Repeal. (1) On and after the date on wh
to be reintroduced into necessary Verbal changes	this Regulation comes into force, the
to avoid doubts and ambiguities as to	Prisons Act XXVI of 1870 as introduced
whether any particular rule or document	into Mysore by notification No. 246. I
now is in force or valid	dated the 4th September 1879 shall be whol
	repealed.
	(2) But all rules and appointments m
	directions given and orders issued under the
	said Act shall, so far as they are consis
	with this Regulation, be deemed to have
	respectively made, given and issued u

(3) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Interpretation clause.

(3) Definitions. In this Act.—

Prison. "Prison" means any gaol or penitentiary; and includes the airing grounds or other grounds or buildings occupied for the use of the prison;

(1) "Prison" means any jail or place used permanently or temporarily under the general or special orders of a Local Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto but does not include—

(a) any place for the confinement of prisoners who are exclusively in the custody of the police;

(b) any place specially appointed by the local government under Section 541 of the Code of Criminal Procedure; or

(c) any place which has been declared by the Local Government by general or special order to be a subsidiary jail;

Criminal prisoner. "criminal prisoner" means any prisoner charged with or convicted of a crime;

(2) "Criminal prisoner" means any prisoner duly committed to custody under the warrant or order of any court or authority exercising criminal jurisdiction or by order of a court martial.

) "convicted criminal prisoner" means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the

(3) Any Regulation or document referring to the said Act shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

All

3 Definitions. In this Regulation -

If we denote "prison" by "jail", then the word "jail" requires to be denoted by another one. The word "Prison" must denote the central jail at Bangalore, the sub-jail at Mysore which may be converted into a District or Divisional jail and dock-ups now existing or hereafter to be opened at head quarters of magistrates.

(a) Police lock-ups are under the administrative control of the Police Dept. & have to be excluded from the jurisdiction of the Prisons Regulation

(b) may be inserted - though the possibility of using the prison is very very remote.

(c) The only sub-jail in the State viz. at Mysore should not be governed by a special law of its own. It may be included within the sphere of operation of this Regulation.

(1) "Prison" means any place used permanently or temporarily under the general or special orders of the Government for the detention of prisoners and includes all lands and buildings appurtenant thereto. It includes a jail or subsidiary jail or a lock-up. not a lock-up or place for the confinement of prisoners who are exclu in the custody of the Police, nor any specially appointed by Governme under Sec: 541 of the code of criminal Procedure 1904.

Note. The words "Government" or the Government" need not be defined as they have been defined in Sec 3(16) of General Clauses Regulation 1899.

"writs" as such are not issued by any Mysore court and may be omitted.

(2) "criminal prisoner" means any priso duly committed to custody under the Warrant or order of any court or au exercising criminal jurisdiction or by o of a court martial

All

The definition is necessary as later on the law has to provide for making out differential treatment between convicts and undertrials and may be adopted into necessary changes.

(3) Convicted criminal prisoner" means a criminal prisoner under sentence of a Court or a court martial and includes a person detained in prison under the

(3) Any Regulation or document referring to the said Act shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

All

3 Definitions. In this Regulation -

If we denote "prison" by "jail", then the word "jail" requires to be denoted by another one.

The word "Prison" must denote the central jail at Bangalore, the sub-jail at mysore which may be converted into a District or Divisional jail and lock-ups now existing or hereafter to be opened at head quarters of magistrates.

(a) Police lock-ups are under the administrative control of the police Deptt & have to be excluded from the jurisdiction of the Prisons Regulation

(b) may be inserted - though the possibility of using the provision is very very remote.

(c) The only sub-jail in the State, viz at mysore should not be governed by a special laws of its own. It may be included within the sphere of operation of this Regulation.

Note. The words "Government" or the Government" need not be defined as they have been defined in sec 3(16) of General clauses Regulation - 1899.

"writs" as such are not issued by any mysore court and may be omitted.

(1) "Prison" means any place used permanently or temporarily under the general or special orders of the Government for the detention of prisoners and includes all lands and buildings appurtenant thereto. It includes a jail or a subsidiary jail or a lock-up but not a lock-up or place for the confinement of prisoners who are exclusively in the custody of the Police, nor any place specially appointed by Government under Sec: 541 of the code of criminal Procedure, 1904.

All

(2) "criminal prisoner" means any prisoner duly committed to custody under the warrant or order of any court or authority exercising criminal jurisdiction or by order of a court martial

All

The definition is necessary as later on the law has to provide for making out differential treatment between convicts and undertrials can may be adopted into necessary changes.

(3) Convicted criminal prisoner" means any criminal prisoner under sentence of a ~~court~~ court or a court martial and includes a person detained in prison under the

provisions of chapter VIII of the Code of Criminal Procedure, 1882, or under the Prisoners Act, 1871;

and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

(4) "civil prisoner" means any prisoner who is not a criminal prisoner;

(5) "Remission system" means the rule for the time being in force regulating the award of marks to, and the consequent shortening of sentences of prisoners in jails;

(6) "history ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder;

(7) "Inspector-General" means the the Inspector-General of prisons;

(8) "Medical Subordinate" means an Assistant Surgeon, Apothecary or qualified Hospital Assistant; and

(9) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

Chapter II

maintenance and Offices of Prisons

Maintenance and Officers of Prisons.

Local Government may provide for maintenance of prisoners

1. The local Government shall provide for the prisoners in the territories of whose, accommodation in a

Accommodation for prisoners

4. The Local Government shall provide, for the prisoners in the territories under such Government,

The Prisoners Act. 1871 is not in force in Mysore & may be omitted in the new definition. A person committed under Sec 488(3) Cri Pr: code is no doubt a criminal prisoner and to avoid doubt as to whether he is such or not, the definition must include such a person also.

(4) The definition of "civil prisoner" must include
(1) judgment debtors. Sec: 55. code of Civil Procedure
(2) Witnesses before Judge Rule 4 order XXXVIII
(3) Revenue Defaulters Sec: 163. Land Revenue Code
(4) Defaulting Landlords. Sec: 514(4) Cri: Pr: Code.
all persons are required to be confined in a civil jail.
The definition in the Mysore Act was wide enough to embrace all the above within its denotation. It is not known why its scope was widened in the Act of 1894 & may be accepted as it is wide & harmless

5. Remission System. Remissions are now awarded in days and not in marks which is a cumbersome process. The definition may be omitted with this change.

(6) No objection may be accepted.

(7) do

(8) do with minor modifications to suit to existing practice.

& Necessary.

The Code of Criminal Procedure 1964.

all

(4) "Civil prisoner" means any prisoner who is not a criminal prisoner.

or

all

(5) "Remission system" means the rules for the time being in force regulating the award of remission in days to, and the consequent shortening of sentences of prisoners in jails.

all

(6) "History ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Regulation or the rules thereunder;

all

(7) "Inspector General" means the Inspector-General of Prisons;

all

(8) "Medical Subordinate" means a Sub-Assistant Surgeon or a qualified medical graduate.

all

(9) "Prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Regulation.

all

Chapter II

Maintenance and Officers of Prisons.

4 Accommodation for prisoners. The Government shall provide for prisoners in the territories of Mysore

usan or prisons constructed and regulated ; such manner as to comply with the visitation of this Act in respect of the paration of prisoners.

accommodation in prisons constructed and regulated in such manner as comply with the requisitions of the in respect of the separation of priso

Inspector control of Prisons.

An Inspector-General of prisons shall be appointed by the Governor-general in Council

In the Inspector-General so appointed shall be vested (subject to the orders the Local Government) the general ntrol and superintendence of all risons situate in the territories of Mysor

5. Inspector General.

An Inspector-General shall appointed for the territories subject to e Local Government, and shall exercise, subject to the orders of the Local Governm the general control and superintendence all prisons situated in the territories und such Government.

ficers of rison.

For every prison there shall be a Superintendent, a medical officer (who may also be the Superintendent), a gaoler and such subordinate officers as the Local Government thinks necessary.

Subject to the orders of the Governor-General in Council, the Local Government may direct that for any specified prison, there shall also be a deputy Medical officer and a deputy gaoler.

6 officers of prison.

For every prison there sha be a Superintendent, a medical officer (who may also be the Super tendent), a medical subordinate, Jailer and such other officers as Local Government thinks necessary: Provided that the Governor of Bombay the Superintendent.

Appointment of officers.

The Local Government shall appoint the superintendent and the medical officer and the deputy medical officer.

The superintendent (subject to the approval of the Inspector-General of Prisons) shall appoint the gaoler and

and regulated in such manner as to carry into the requirements of this Regulation in respect of the separation of prisoners.

5. Inspector-general. The Inspector-General shall be appointed by the Government and shall exercise, subject to the orders of Government the general control and superintendence of the prisons situated in the territories of my

Sec 5 of the Burma Act is Sec 7 of the British Indian Act. Should be adopted as the last section in this chapter which is the proper place. Sec 5 of the British Indian Act may be adopted here into necessary changes.

Officers of Prisons. For every prison, there shall be a Superintendent, or an officer in charge a medical officer who may also be the Superintendent or the officer in charge; a Jailer or a chief warder or a head warder and such other subordinate officers as the Government thinks necessary.

Provided the Government may direct that for any specified prison, there shall also be a Deputy Jailer and a medical subordinate and that for any specified prison or prisons the office of the Jailer shall be held by the person appointed to be the officer in charge.

a provision is necessary & may be added which into ways suitable to carrying in Burma which are that the central jail of Rangoon has a Superintendent, a medical officer, a Jailer, a medical subordinate, a Dy Jailer and subordinate officers.

The Sub-jail at Insein has an officer in charge who is also the next officer, a Jailer and subordinate officers. Each of the district headquarters have an officer in charge who may also be the civil officer, a chief or head warder & subordinate officers. There is no medical subordinate in each prison in Insein. The proviso in the British Act may be omitted as it has no bearing here & substitutes have been made suitable to existing state of affairs.

Sec 8 of the Burma Act may be adopted as the appointment of prison officers is made by it in accordance with Rules of Work as the Local-

Powers of suspension and dismissal of officers.

every officer appointed under this Act shall receive such salary as (subject to the approval of the Governor-General of India in Council) the Local Government directs, and may be suspended or dismissed by the authority appointing him:

Provided that no gaoler or deputy gaoler shall be dismissed without the consent of the Inspector-General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector-General, whose orders on such appeal shall be final.

Temporary shelter of prisoners.

Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, or whenever from the outbreak of epidemic disease within any prison or for any other reason it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

Temporary accommodation for prisoners.

Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or whenever from the outbreak of epidemic disease within any prison, or any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made by such officer and in such manner as the Local Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the

Regulation confers on Govt necessary powers.

Similarly sec: 9 of the Impr Act may be ordered as the salaries of Imm officers are fixed in accordance with Railway Govt for the matter as their punishments are not governed by rules framed under Sec 59 - cl 3 of the Indian Prisons Regulation.

Sec: 7 of the British Act may be ordered

There is no necessity to retain the provision made in the last clause of the Impr Act regarding liability of persons for whom temporary shelter is provided as the word "Prison" in the Indian Regulation is made to mean temporary Imm also.

Further the necessity for a temporary prison has never risen hitherto and it is the Govt who have to order the bringing into existence of such a prison in such manner and by such officer as they think necessary. Therefore the authority by whom it should appear necessary that such a prison should be established may be Government themselves instead of the Inspector General.

7. [Temporary accommodation for prisoners] Whenever it appears to the Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison or whenever from the outbreak of epidemic disease within any prison, or any other reason it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made, by such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Chapter III

Duties of officers.

Generally.

2. Officers to obey superintendent. All officers of a prison shall obey the directions of the Superintendent; all subordinate officers shall perform such duties as may be directed by the gaoler with the sanction of the Superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him.

3. Officers not to sell or let to prisoners. No officers of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner.

4. Officers not to have business dealings with prisoners. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings, directly or indirectly with any prisoner.

5. Officers not to contract with prisons. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest direct or indirect in any contract for the supply of the prison; nor, except so far as is expressly allowed by rule made under Section 54 shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

6. Duties of Superintendent. Subject to the orders of the Inspector General of Prisons, the Superintendent shall manage the prison in all matters relating

Chapter III

Duties of officers.

Generally.

8. Control and duties of officers of Prison. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under Section 59.

9. Officers not to have business dealings with prisoners. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings, directly or indirectly with any prisoner.

10. Officers not to be interested in any prison contract. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: Nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent

11. Superintendent. (1) Subject to the orders of the Inspector General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure

No section in the British Act may be added.

Subordinate officers are at present keeping into them no book showing their duties except a few of them ranked as upper subordinates who have been furnished with a list of their duties besides being required to pass in the Prison Examination.

British Act may be followed as it is more comprehensive.

Sec: 54(2) of the Myson Act provides for the framing of rules for the sale of Jail produce and for the payment of commission to Jail officers therefor. The payment of commission was stopped long ago in 1896 or so. Hence sec: 12 of the Myson Act which permits the grant of benefits if expressly allowed is unworkable now & may be dropped & substituted by Br Act sec: 10.

The injunction that the Subdr shd correspond into and through the Inspr Genl, submit bills to him, report escapes and examine Book shd read as in the British Act but they all appear in the Myson Jail manual. The British Act may be adopted with an appropriate clause referring to such inspections & existing practice in this Province.

Generally

8 Control and duties of officers of prisons. All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by this Regulation or by rules under section 59.

9. Officers not to have business dealings with prisoners. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

10 Officers not to be interested in any prison contract. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest direct or indirect in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, for the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent

11. Duties of Superintendent. (1) Subject to the orders of the Inspector General, the Superintendent or the officer in charge of a subjail shall manage the prison in all matters relating to discipline, labour, expenditure and control. He shall correspond on all matters connected with the prison with and through the Inspector. He shall submit to him such bills, reports, returns and statements with in such time as may be presc

to discipline, labour, expenditure, punishment, prisoners and control.

and Control;

Correspond on all matters connected with the prison with and through the Inspector-General;

Submit to the Inspector General all bills of prison-expenditure with proper Vouchers for audit;

report to the Inspector-General from time to time as they occur, all escapes and recaptures, and all outbreaks of epidemic disease;

Send to the Inspector-General returns of all prisoners sentenced to transportation;

periodically inspect all property of the Government in his charge and report thereon to the Inspector-General;

and generally obey all rules made under Sec 54 for the guidance of the Superintendent.

The Superintendent shall also obey all orders respecting the prison given by the Deputy Commissioner and shall report to the Inspector-General all such orders and the action taken thereon.

(2) Subject to such general or special direction as may be given by the Local Government, the Superintendent of a prison, other than a central prison or a prison situated in a presidency town shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate and shall report to the Inspector-General all such orders and the action taken thereon.

The gaoler to keep books and accounts.

The gaoler shall keep or cause to be kept, the following records:-

(1) a register of ~~prisoners admitted~~ warrants;

(2) a book showing when each prisoner

12 Records to be kept by superintendent

The Superintendent shall keep, or cause to be kept, the following records:- (1) a register of prisoners admitted

(2) a book showing when each prisoner

by rule made in this behalf or by any law, rule or order of Government for the time being in force and perform such duties as are imposed on him by this Regulation or rule thereunder or under any law, rule or order of Government for the time being in force.

The British Act. Sec 11(2) reconciles the subversion of the Inspector General of Prisons as seen received by the Superintendent from a District magistrate. As District magistrates in Burma have direct control over Lock-ups, a report to the Inspector-General is never made by Lock-up officers direct to the Inspector-General. Hence the provision in the British Act regarding the same may be dropped.

(2) Subject to such general or special directions as may be given by the Government, the officer in charge of a Lock-up shall obey all orders not inconsistent with this Regulation or any rule thereunder which may be given respecting the Lock-up by the District magistrate.

The British Act may have to be followed as the Jailer is not a gazetted officer Cobrolle of Branding certified extracts of the records.

12. Records to be kept by the Superintendent.) The Superintendent shall keep, or cause to be kept the following records:-

(1) a register of prisoners admitted

(2) a book showing when each pris

is to be released;

(3) a punishment book for the entry of the punishments inflicted for prison-offences;

(4) a Visitor's book for the entry of any observations made by Visitors to the prison;

(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules made under Section 54.

Medical officer.

Power to make rules as to medical officer's duties.

The local government shall make rules as to each of the following matters:-

how often the medical officer shall visit the prison & see each prisoner;

records to be made respecting sick prisoners;

medical inspection of every part of the prison;

as to its cleanliness, drainage, warmth and ventilation;

as to the prisoners, water, clothing and bedding

provided to the prisoners.

The medical officer shall duly make such rules.

To report special cases.

Whenever the medical officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which subjected, the medical officer shall report the case in writing to the Superintendent, together with such directions as the medical officer thinks proper.

make entries as to death of prisoners.

On the death of any prisoner, the medical officer

is to be released;

(3) a punishment book for the entry of the punishments inflicted on prisoners for prison offences;

(4) a Visitors' book for the entry of any observations made by the Visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners;

and all such other records as may be prescribed by rules under Section 59 or Section 60.

Medical officer.

13. Duties of medical officer.

Subject to the control of the Superintendent, the medical officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the Local Government under Section 60.

14. Medical officers to report in certain cases.

Whenever the medical officer has reason to believe that the mind is, or is likely to be affected injuriously affected by the discipline or treatment to which he is subjected, the medical officer shall report the case in writing to the Superintendent, together with such observations as he may think proper.

His report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information.

15. Report on death of prisoners.

On the death of any prisoner, the medical officer shall forthwith reco

(3) a punishment book for the entry of the punishments inflicted on prisoners [illegible];

(4) a Visitors' book for the entry of any observations made by the Visitors touching any matters connected with the administration of the prison;

(5) a record of the money and other articles taken from prisoners [illegible]

and all such other records as may be prescribed by rules made under section 59 of this Regulation or by any other Regulation, code, rule or order of Government for the time being in force. AW

Medical Officer.

13 Duties of medical officer. Subject to the control of the Superintendent the medical officer shall have charge of the medical and sanitary administration of the prison and shall perform such duties as may be prescribed by rules made by the Government in this behalf under section 59. AW

14. Medical officer's special reports. Whenever the medical officer has reason to believe that the mind of a prisoner is, or is likely to be affected by the discipline or treatment to which he is subjected, the medical officer shall report the case in writing to the Superintendent together with such observations as he may think proper. His report, with the orders of the Superintendent thereon, shall forthwith be sent to the Inspector-General for information. A

15. Report on death of prisoner. On the death of any prisoner, the medical officer shall forthwith rec

it sec 13 may be omitted as being more comprehensive and the charge of the medical administration in so many words may be entrusted to the medical officer for the sake of clearness.

The Br Act does not specifically provide for the making of rules in this matter. This omission has been supplied in the proposed Regulation. vide sec: Bo (27)

The Br Act may be followed.

all prisoners record in writing the following particulars, namely:—

when the deceased was taken ill,

when the medical officer was first informed of the illness,

the nature of the disease,

when the prisoner died,

and (in cases where a post-mortem examination is made) an account of the appearances after death,

together with any special remarks that may appear to the medical officer to be required.

(7) Deputy medical officer. When a Deputy medical officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made thereunder, to be performed by the medical officer.

(8) Provisional medical officer. When there is no deputy medical officer, or when his services are not available by reason of sickness or other cause,

in a register the following particulars so far as they can be ascertained, namely:—

(1) the day on which the deceased first complained of illness or was observed to be ill;

(2) the labour, if any, on which he was engaged on that day;

(3) the scale of his diet on that day;

(4) the day on which he was admitted to hospital;

(5) the day on which the medical officer was first informed of the illness;

(6) the nature of the disease;

(7) when the deceased was last seen before his death by the medical officer or medical subordinate;

(8) when the prisoner died, and

(9) (in cases where a post-mortem examination is made) an account of the appearances after death;

together with any special remarks that appear to the medical officer to be required.

(in duplicate)

or cause to be recorded in a register the following particulars so far as they can be ascertained, namely:-

(1) the day on which the deceased first complained of illness or was observed to be ill;

(2) the labour, if any, on which he was engaged on that day;

(3) the scale of his diet on that day;

(4) the day on which he was admitted to hospital;

(5) the day on which the medical officer was first informed of the illness;

(6) the nature of the disease;

(7) when the deceased was last seen before his death by the medical officer or medical subordinate;

(8) when the prisoner died, and

(9) (in case where a post-mortem examination is made) an account of the appearances after death,

to which may be added any special remarks that the officer by the medical officer to be required.

Sec 17. Prison Act should be modified so as to suit existing state of affairs in Jails and Lock-ups and wherever here.

16. Absence of medical officer.] (1) Where there is no medical officer, or where his services are not available by reason of sickness or otherwise, the Government shall by general or special order appoint a substitute for him and the substitute so appointed shall be competent to perform any duty required by this Regulation or any rule made thereunder to be performed

a Local Government may, by special order, appoint a subordinate medical officer to act as a substitute for the medical officer, and the subordinate medical officer so appointed shall perform all the duties of the medical officer.

Gaoler

Residence of gaoler. The gaoler shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere. The gaoler shall not, without the Inspector-General's sanction, be concerned in any other employment.

16 Jailer. (1) The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the Inspector-General's sanction in writing, be concerned in any other employment.

To deliver list of prisoners in punishment cells. The gaoler shall deliver to the medical officer daily a list of such prisoners as are confined in punishment-cells.

To give notice of death of prisoners. Upon the death of a prisoner, the gaoler shall give immediate notice thereof to the Superintendent.

17 Jailer to give notice of death of prisoner. Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the medical Subordinate.

Responsible for safe custody of documents. The gaoler shall be responsible for the safe custody of the records to be kept by him under Sec: 21, and for the commitments and all other documents confided to his care.

18 Responsibility of Jailer. The Jailer shall be responsible for the safe custody of the records to be kept under Sec: 12, for the commitment warrants and other documents confided to his care, and the money and other articles taken from pri-

by the medical officer.

(2) Where there is no substitute for the medical officer appointed by Government by general or special order, the medical subordinate that may have been appointed to the prison shall, during the absence of the medical officer perform all the duties of the medical officer.

Jailer.

17 Jailer. (1). The Jailer shall reside in the prison, unless the Superintendent permits him to reside elsewhere.

(2) The Jailer shall not, unless the Inspector-General's sanction in writing be concerned in any other employment

Not necessary as sec 29 of the Bom Act has been adopted thereby the med officer is required to visit daily prisoners in punishment cells.

sec 10. Mysore Act has been retained. The Sub-Jail at Mysore & the Lock-ups have no medical subordinates.

18. Jailer to give notice of death of prisoners. Upon the death or a prisoner, the Jailer shall give immediate notice thereof to the Superintendent who shall cause an inquest to be held by a magistrate as to the cause of death.

Inquest into the cause of death is now compulsory. If may be provided with legal basis therefor.

19. Responsibility of Jailer. The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the Commitment warrants and all other documents confided to his care and for the money and other articles taken from prisoners.

sec 18. Bom Act has the articles.

23. Not to be absent without leave. The gaoler shall not be absent from the prison for a night without permission in writing from the Superintendent; but if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the Superintendent;

19. Jailer to be present at night. the Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent, but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

24. Deputy Gaoler. Where a Deputy gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section 54 to be performed by the gaoler.

When there is no deputy Gaoler, or when his services are not available by reason of sickness or other cause, the Superintendent shall, when the gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the gaoler.

20. Powers of Deputy and Assistant Jailers. Where a Deputy Jailer or Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities, of a Jailer under this Act or any rule thereunder.

Subordinate Officers.

Powers of ate-keepers. The officer acting as gate-~~keeper~~ porter, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and

Subordinate Officers.

21. Duties of Gate-keepers. The officer acting as gate-keep or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and

20. Jailer to be present or provide substitute at night. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent, but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

Powers of Deputy Jailer and an officer in charge.

21. (1) Where a Deputy Jailer is attached to a prison, he shall be competent to perform any duty required by this Regulation or by any rule made under section 59 to be performed by the Jailer.

(2) Where there is no Deputy Jailer, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Jailer is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity and the substitute so appointed shall have all the powers and perform all the duties of the Jailer.

Subordinate officers.

Duties of gate-keeper.

22. The officer acting as gate-keeper or any other officer of the prison, may examine anything carried into or out of the prison and may stop and search, or cause

such any person suspected of bringing spirits or other prohibited articles ... the prison, or of carrying out any property belonging to the prison, and any such articles or property be found, all give immediate notice thereof to the ioler.

Subordinate officers not to be absent without leave.

Subordinate officers shall not be absent from the prison without leave from the superintendent, from the gaoler, and before absenting ourselves they shall leave their keys the gaoler's office.

Chapter IV

Admission, Removal and Discharge of Prisoners.

Prisoners to be searched on admission

When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Medical examination of criminal prisoners

Every criminal prisoner shall also, as soon as possible after admission, be examined by the medical officer, who shall enter

Searches or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and if any such article or property be found, shall give immediate notice thereof to the Jailer.

Or. Subordinate officers not to be absent without leave.

Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer

23 Public officers. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code

Chapter IV

Admission, Removal and Discharge of Prisoners

24 Prisoners to be examined on admission

(1) Whenever a prisoner is admitted into prison, he shall be searched and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special

to be searched any person suspected of
any prohibited article
bringing into or out of the prison, or of
carrying out any property belonging to
the prison, and, if any such article
or property be found, shall give immediate
notice thereof to the Jailer.

All

The "spirits" prohibited in the Mysore Act is included in the phrase "Prohibited articles" as will be defined in the Jail manual under section 60.

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23. Subordinate officers not to be absent without leave. Subordinate officers shall not be absent from the prison without leave from the Superintendent, or from the Jailer, and before absenting themselves they shall leave their keys in the Jailer's office.

The section in the Mysore Act may be followed as it provides for keys being left in the Jailer's office by the absentee which is very important matter in a Jail

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24. Convict officers. Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of the Indian Penal Code

All

Sec. 23. Mr. Act may be followed as it enables us to prosecute Convicts officers are negligence contributes to the escape of prisoners committed to their charge.

Chapter IV.

Admission, Removal and Discharge of Prisoners

24 Prisoners to be searched on entrance... (1) When a prisoner is first admitted and whenever he afterwards enters the prison he shall be searched, and all weapons or prohibited articles shall be taken from him

Sec. 27 in our Act is better and in accordance with the existing practice of searching prisoners whenever they enter into Jail either on first admission or afterwards and therefore may be retained.

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(2) Every prisoner shall also, as soon
possible after admission, be examined
or under the general or special orders of
the medical officer, who shall enter,

According to existing wholesome practice civil prisoners also are examined medically

in a book to be kept by the gaoler, a record of the state of prisoner's health and any observations which the medical officer thinks fit to add.

orders of the medical officer, who shall enter, or cause to be entered in a book to be kept by the Jailer, a record of the state of prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observation which the medical officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried out by the matron under the general or special orders of the medical officer.

8. Effects of criminal prisoners. All money or other effects in respect whereof no order of a competent Court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the gaoler.

25. Effects of prisoners. All money or other articles in respect whereof no order of a competent court has been made, and which may under proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer.

29. Medical examination before removal and discharge of prisoners. All prisoners, previously to being removed to any other prison, shall be examined by the

26 Removal and discharge of prisoners. (1) All prisoners, previously to being removed to any other prison, shall be examined by the medical officer.

criminal' in clause 2 may be dropped & the rest of it which is in the British Act may be retained.

The book referred to in the British Act is "the Register of prisoners admitted" referred to in Sec. 12 (1) and the same may be made clearer.

Cause to be entered in the book referred in section 12 (1) of this Regulation, a record of the state of the prisoner's health of any wounds or marks on his person, the age, weight and height, the class of labour he is fit for if sentenced to rigorous imprisonment and any observations which the medical officer thinks fit to add.

There is no mention in the subjail at Mysore or in Lock-ups.

(3) In the case of female prisoners the search and examination shall be carried by a woman under the general or special orders of the medical officer

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25 (7)

(26) Effects of prisoners. All money or other articles in respect whereof no order of a competent court has been made and which may, in the proper authority, be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Jailer.

As the heading indicates prisoners before discharge i.e. whose sbs also be examined. He is in hospital may be added into suitable change.

(27) Removal and discharge of prisoners. (1) All prisoners previously to discharge, or being removed to any other prison, shall be examined by the Medical officer

other prisan unless the medical officer certifies that the prisaner is free from any illness rendering him unfit for removal.

No prisaner shall be discharged against his will from prisan, if labouring under any acute or dangerous distemper, nor until, in the opinion of the medical officer, such discharge is safe.

Chapter V.

Discipline of prisaners.

Requisitions of Act as to separation of prisaners.

The requisitions of this Act, with respect to the separation of prisaners, are as follows:-

(1) In a prisan containing female prisaners as well as males, the women shall be imprisaned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with the men.

(2) In a prisan where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisaners

one prisaner to another unless the medical officer certifies that the prisaner is free from any illness rendering him unfit for removal.

(3) No prisaner shall be discharged against his will from prisan, if labouring under any acute or dangerous distemper, nor until, in the opinion of the medical officer such discharge is safe.

Chapter V.

Discipline of prisaners.

27 Separation of prisaners.

The requisitions of this Act with respect to the separation of prisaners are as follows:-

(1) in a prisan containing female as well as male prisaners, the females shall be imprisaned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with the male prisaners;

(2) in a prisan where male prisaners under the age of eighteen are confined, means shall be provided for separating them altogether from the other prisaners and for separating those of them who have arrived at the age of puberty from those who have not;

one prisoner to another under the medical officer certifies that the prisoner is free from an illness or disease likely to be communicated by removal.

provision which exists in both the Acts has never been brought into use in practice. A prisoner whose discharge is stayed by appeal and whose discharge is stayed should be released nevertheless and sent to the mental hospital. The provision has however been retained.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the medical officer, such discharge is safe.

CAH

Chapter V

Discipline of prisoners.

No seen in the Bristol may be applied

28 Separation of prisoners. The requirements of the Regulations with respect to the separation of prisoners are as follows:-

(1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings or in separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners;

- do - as it is in accordance with the existing rules - 733 etc in the Prison Jail manual

(2) in a prison where male prisoners under the age of eighteen years are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall

prisoners.

(4) Civil prisoners shall be kept apart from criminal prisoners.

prisoners; and

(4) Civil prisoners shall be kept apart from criminal prisoners.

28 Association and segregation of prisoners....

Subject to the requirements of the last foregoing section Convicted criminal prisoners may be confined either in association or individual in cells or partly in one way and partly in the other.

Rules as to separate confinement.

The local government shall have power to make rules —

(1) as to what cells only shall be used for the separate confinement of prisoners,

(2) as to the time during which prisoners not guilty of ~~them~~ offences against prison-rules may be confined separately.

Cells to be visited with means of communication.

No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of

29. Solitary confinement.

No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison, and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the medical officer or

prisoners; and

(4.) Civil prisoners shall be kept apart from criminal prisoners.

241

29. Association and segregation of prisoners. Subject to the requirements of the last foregoing section, Convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

Sec. 28 Br. Act is in practice. may be modified.

Sec. 31 in our Act may be omitted in this place as the power the Government have acquired therein would be acquired at Sec 59. cl 7. of the proposed Regulation.

Br. Act. Sec. 29. may be omitted as it is in Conformity with the existing practice Rule 60 (2). Mysore Jail manual

30. Solitary confinement. No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an Officer of the prison, and every prisoner so confined in a cell for more than twenty hours, whether as a punishment or otherwise shall be visited at least once a day by the medical Officer.

Vide note in this column against Sec. 19 Mysore Act.

Prisoners under sentence of death.

Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of the gaoler, and all articles shall be taken from him which the gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

Chapter VI

Food, clothing and Bedding of Prisoners.

Civil prisoners may maintain himself.

A civil prisoner shall be permitted to maintain himself, and to purchase or receive from private sources at proper hours, food, clothing, bedding or other necessaries, subject to examination and to such rules as may be approved by the Inspector-General.

No part of any food, clothing, bedding, or other necessaries belonging to any civil prisoner shall be sold to any

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31. Prisoners under sentence of death.

(1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer, and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

Chapter VI

Food, clothing and Bedding of civil & unconvicted criminal prisoners

31. Maintenance of certain prisoners from private sources.

A civil prisoner or an unconvicted criminal person shall be permitted to maintain himself and to purchase, or receive from private sources at proper hours, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector-general.

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32. Restriction on transfer of food and clothing between certain prisoners.

No part of any food, clothing, bedding or other necessaries belonging to any civ

v. 35 Br. Act. may be omitted

31. Prisoners under sentence of death.

(1) every prisoner under sentence of death shall, immediately on his arrival after sentence, be searched by, or by order of, the Jailer, and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

All

Chapter VI

Food, clothing and Bedding of Civil and unconvicted criminal Prisoners.

32. Maintenance of certain prisoners from private sources.

A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself and to purchase or receive from private sources and at proper hours food, clothing, bedding or other necessaries, but subject to supervision and to such rules as may be approved by the Sheriff-Serjeant who may, in the case of civil prisoners, disallow either generally or in individual cases private bedding and limit or the use of the same supplied from the prison at the cost of detaining such

All

33. Restriction on transfer of food and clothing between certain prisoners.

No part of any food, clothing, bedding or other

Chapter VI

Title in the Br. Act may be omitted because section in ch. VI of our Act alone equally applies to unconvicted criminal prisoners as defined by Rule 604. mut. mu.

Rule 1. to Rule 603. mut. mu. incidentally requires a civil prisoner to use jail bedding &c. & should be provided for in the Act.

~~no power to make rules in this matter~~

civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

6. Allowance of clothing and bedding. Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person or his representative, shall be liable to pay to the Superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

33 Supply of clothing and bedding to civil and uncanvicted criminal prisoners. (1) Every civil prisoner and uncanvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person or his representative shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner may be released.

Chapter VII

Employment of Prisoners.

37. Work and earnings of civil prisoners. Civil prisoners may, with the Superintendent's permission

Chapter VII

Employment of prisoners.

34. Employment of civil prisoners. (1) Civil prisoners may with the Superintendent's permission,

or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner, and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food, clothing, bedding or other necessaries or receiving the same from private sources for such time as the Superintendent thinks proper.

All

34 Supply of clothing and bedding to civil and unconvicted criminal prisoners.

(1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of clothing and bedding so supplied to the prisoner; and in default of such payment, the prisoner shall be released.

All

The purpose act may be followed in regard to the release of the civil prisoner to whom clothing & bedding are supplied at his expense because is in practice and the demand for payment would be meaningless if penalty cannot be enforced.

Chapter VII.

Employment of prisoners.

35 Employment of civil prisoners.

1. Civil prisoners may, with the Superintendent's permission, work and follow

Act may be followed as in scope.

and professions.

Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

professions.

(2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

35. Employment of criminal prisoners...

(1) No criminal prisoner sentenced to labour or employed on labour at his own de shall, except on an emergency in the sanction in writing of the Superin be kept to labour for more than ni hours in any one day.

38. Examination by medical officer of labouring prisoners...

The medical officer shall from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until

(2) The medical officer shall from time to time examine the labouring p while they are employed, and sh at least once in every fortnight, a to be recorded upon the history of each prisoner employed on labo the weight of such prisoner at the time.

(3) When the medical officer is

(2) Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction of the amount determined by the Superintendent, for the ... implement and the cost

Sec. 35(1) of the British Act which is not to be found in the Mysore Act may have to be adopted in view of the factory Regulation and Labour laws in force in the State. According to Rule 249-252/253 mysore jail manual, prisoners should not be worked for more than 8 hours daily. Hence 8 hours limit may be laid.

36 Employment of criminal prisoners.

(1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency, with the sanction in writing of the Superintendent, be kept to labour for more than eight hours in any one day.

[Exam[illegible] of ... Prisoners]

(2) The medical officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time

may be followed. The fortnightly weighment of prisoners is in force according to Rule 271 of Separate Mysore manual

the medical officer certifies that he is fit for such employment.

Provided if the medical officer certifies that such prisoner may, without detriment to his health, be employed on some lighter kind of labour, it shall be lawful for the gaoler so to employ him.

of opinion that the health of any prisoner suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the medical officer may consider suited for him.

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7. Employment of prisoners sentenced to simple imprisonment.

Provision shall be made by the superintendent for their employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

The Superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

36 Employment of criminal prisoners sentenced to simple imprisonment.

Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to Rigorous imprisonment shall be punished for neglect of work except by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

Chapter VIII

Health of prisoners

Names of prisoners reported sick.

The names of prisoners desiring to see the medical officer or appearing out of health in mind or body shall be reported by the officer attending them to the gaoler.

Chapter VIII

Health of Prisoners.

37. Sick Prisoners. (1) The names of prisoners desiring to see the medical subordinate or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoner to the Jailer.

The gaoler shall, without delay, call the attention of the medical officer to any prisoner desiring to see him, or who is ill,

(2) The Jailer shall without dela call the attention of the medical Subordinate to any prisoner desirin

in (38) in any Act in short or effect I may be followed as being less wordy

that the health of any prisoner sus from employment on any kind or c of labour, such prisoner shall not b employed on that labour but shall b placed on such other kind or class of labour as the medical officer may consider suited for him.

Ou

In the Acts require that suitable imprisonment prisoners could be provided with work if they desire. a section in our Act empowers the Superintendent make rules as to the amount and nature of employment while that in the British Act omits the same or Act may be followed in the interest of the economical working of the Jail. The punishment for neglect of work should be the forfeiture of the right to be provided with work by this section and the other privileges ki vision of labour that accrue to him (in Rules 297(2) 1886 Mad. Jail Man.

37. Employment of criminal prisoners sentenced to suitable imprisonment. Provision shall be made b the Superintendent for the employment (as long as they desire) of all criminal prisoners sentenced to suitable imprisonment. The Superintendent shall prescribe the am and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, except by debarring him from work or by depri him of any privilege that has accrued to him by volunteering to labour.

Ou

Chapter VIII

Health of prisoners.

No objection to article. But as the word 'medical officer' should be retained in view of the fact that all persons in the State have not to or are not required to be provided with a

38 Sick prisoners. (1) The names of prisoner desiring to see the Medical Officer or appearing out of health or mind or bod shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailer.

(2) The Jailer shall, without delay, c the attention of the Medical Officer to any prisoner desiring to see him,

or whose state of mind or body appears to require attention, and shall carry into effect the medical officer's written direction respecting alteration of the discipline or treatment of any such prisoner.

to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the medical officer or medical subordinate respecting alteration of the discipline treatment of any such prisoner.

41. Entry of direction by medical officer in journal. All direction given by the medical officer in relation to any prisoner, into the exception of order for the supply of medicines or directions relating to such matters as are carried into effect by the medical officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the gaoler stating in respect of each direction the fact of its having been or not having been complied into, accompanied by such observations, if any, as the gaoler thinks fit to make, and the date of the entry.

38 Record of directions of medical officers. All directions given by the medical officer or medical subordinate in relation to any prisoner with the exception of the orders for the supply of medicines or direction relating to such matters as are carried into effect by the medical officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the Local Government may by rule direct, and the Jailer shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied into, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of the entry.

42 Infirmaries. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided.

39. Hospital. In every prison a hospital or proper place for the reception of sick prisoners shall be provided.

or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer respecting alterations of the discipline or treatment

Sec. 41 of the Mysore Act differs from Sec. 38 of the British Act in requiring that the medical officer's directions shall be entered in his journal and not on Inmate's History Ticket or the record as prescribed in the latter. The practice existing in our Jails is exactly in accordance with Sec. 41 and has not given us any trouble & therefore may be followed.

39. Entry of direction by medical officer in journal. All directions given by the Medical Officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his Journal, which shall have a separate Column wherein entries shall be made by the Jailer stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make, and the date of entry. . .

40 Hospital. In every Hospital or proper place of such prisoners shall

Chapter IX

Visits to and correspondence of prisoners.

73. Visits to prisoners. Due provision shall be made for the admission, at proper times and under proper restrictions, into every house of persons with whom prisoners before trial may desire to communicate

Correspondence of prisoners.

The local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it think necessary for the maintenance of good order and discipline.

Chapter IX

Visits to prisoners.

(40 Visits to civil and uncanvicted criminal prisoners.) Due provision shall be made for the admission, at proper times and under proper restrictions, into every house of persons with whom civil or uncanvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interest of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

(41 Search of visitors.) (1) The jailer may demand the name and address of any visitor to a prisoner, and, when the jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched the jailer may deny him admission; and the grounds of such proceeding, with the particulars

(4 Power of jailer as to visitors.) The jailer may demand the name and address of any visitor to a prisoner; and, when the jailer has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

In case of any such visitor refusing to be searched the jailer may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

The chapter does not deal with correspondence of prisoners.
It deals only with visits to them and the power to make rules for regulating such correspondence is acquired by sect at sec 60.(4) of the Pr. Act.
Similar power will be acquired under sec 60 of the Prisons Regulation & therefore the acquisition of which here may be given up & Pr. Act sec 40 may be adopted here.

Visits to prisoners.

41. Visits to civil and uncovicted criminal prisoners. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or uncovicted criminal prisoners may desire to communicate care being taken that, so far as may be consistent with the interests of justice, prisoners undertrial may see their duly qualified legal advisers without the presence of other persons.

42 Search of Visitors. (1) The Jailer may de
the name and address of any visitor
prisoner, and, when the Jailer has a
ground for suspicion, may search any
or cause him to be searched, but the se
shall not be made in the presence of a
prisoner or of another visitor.

(2) In case of any such visi
refusing to permit himself to be searc
the Jailer may deny him admission;
the grounds of such proceeding, with the
particulars thereof shall be

· Jailer is required to maintain a Diary & enter in the same the details of

thereof, shall be entered in a record as the Local Government may direct.

Chapter X

Offences in relation to Prisons.

42 Penalty for introduction or removal of prohibited article into or from prison and communication with prisoners.

Whoever, contrary to any rule under sec introduces or removes attempts by any means whatev introduce or remove, into or from prison, or supplies or attempts to to any prisoner outside the limi a prison, any prohibited artic and every officer of a prison w contrary to any such rule, know suffers any such article to be in into or removed from any priso be possessed by any prisoner, or supplied to any prisoner outsi limits of a prison,

and whoever, contrary to any rule, communicates or attempts communicate into any prisoner, and whoever abets any of made punishable by this sect shall, on conviction before a m be liable to imprisonment for a not exceeding six months, or to not exceeding two hundred rupees, or

Chapter X

offences in relation to prisons.

43 Carrying liquor, tobacco drugs into prison.

Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means whatever to introduce into any prison, or any place provided under section 5 for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug, and every officer of a prison who knowingly suffers any such liquor, tobacco or drug to be sold or used in such prison or place contrary to such regulations,

and whoever, contrary to such regulations, brings or attempts to convey, any letter or other article not allowed by such regulations to or out of any such prison or place, and whoever abets within the meaning of the Indian Penal code any offence made punishable by section

shall, on conviction before a magistrate, be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Chapter X

Offences in relation to Prisons.

Sec 42 Pr. Act may be applied.

The phrase "Prohibited articles" is more comprehensive including all the articles specified in Sec. 45 of our Act.

43. Penalty for introduction or removal of prohibited articles into or from prison and communication with prisoners.

Whoever, contrary to any r
under Sec 59, introduces or rem
or attempts by any means what
to introduce or remove, into or fr
any prison, or supplies or attempts to
supply to any prisoner outside the limits
of a prison, any prohibited article, and
every officer of a prison who, contrary
to any such rule knowingly suffers any
such article to be introduced into or removed
from any prison, to be possessed by any
prisoner, or to be supplied to any prisoner
outside the limits of a prison,

and whoever, contrary to any such rule, com
municates or attempts to communicate with
any prisoner, and whoever abets any offe
made punishable by this section, shall, on
conviction before a magistrate, be liable
to imprisonment for a term not exceedi
six months, or to fine not exceeding two
hundred rupees or to both.

Power to arrest for offences under Sec 42.

When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a Police officer, and thereupon such Police officer shall proceed as if the offence had been committed in his presence.

Notice of penalties to be placed outside prison

The Superintendent shall cause to be affixed in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under Section 45.

Publication of Penalties

The Superintendent shall cause to be affixed in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under Sec 42 and the penalties incurred by their commission.

Chapter XI

Prison-Offences

List of Prison-offences.

The following acts are declared to be offences against prison-discipline:-

Prison-offences.

The following acts are declared to be prison-offences when committed by a prisoner:-

(1). wilful disobedience to any regulation of the prison by any prisoner;

(1) Such wilful disobedience to any regulation of the prison as shall have been declared by rule made under Sec 59 to be a prison-offence;

Sec. 43. Br. Act is necessary as Jail officers are now helpless in the matter. The Police to whom such cases are now reported do not take any action as they themselves think that they cannot act.

prisoner, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence or gives a name or residence which such officer knows or has reason to believe, to be false, such officer may arrest him and shall, without unnecessary delay make him over to a Police officer, and thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

AA

Is in practice. may be adopted.

45. Publication of penalties. The Superintendent shall cause to be affixed in a conspicuous place at the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 43 and the penalties incurred by such commission.

AA

Chapter XI

Sec. 45 of the British Act may be added. The insertion of the phrase "by a prisoner" in the opening section will save the necessity of having to repeat it in the case of each offence.

Sec. 45(1) necessary altering as it does legal pains to the rules in the Jail manual already framed.

46 Prison-offences. The following acts are declared to be prison-offences when committed by prisoners:-

(1) Such wilful disobedience to any regulation of the prison as shall have been declared by rules made under section 59 to be a prison-offence.

AA

) assault or use of criminal force by any prisoner;

insulting or threatening language by any prisoner to any officer or prisoner;

indecent or disorderly behaviour by any prisoner;

) Wilfully disabling himself from labour;

Contumaciously refusing to work;

) filing or cutting irons or bars;

idleness or negligence at work by any convicted criminal prisoner;

wilful mismanagement of work by any convicted criminal prisoner;

wilful damage to prison property

Conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

(3) the use of any insulting or threatening language;

(4) immoral or indecent or disorderly behaviour

) Wilfully disabling himself from labour;

) Contumaciously refusing to work;

) filing, cutting, altering or removing hand-cuffs, fetters or bars without due authority;

Wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;

wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;

(10) wilful damage to prison property

(11) tampering with or defacing history &c records or documents;

(12) receiving, housing or transferring any prohibited article;

(13) feigning illness;

(14) Wilfully bringing a false accusation against any officer or prisoner;

(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official; and

(16) Conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

~~company;~~

(4) immoral, or indecent, or disorderly behaviour;

(5) ~~to~~ wilfully disabling himself for labour;

(6) contumaciously refusing to work;

(7) filing, cutting, altering or removing handcuffs, fetters or bars without due authority;

(8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment

(9) wilful mismanagement of work by a prisoner sentenced to rigorous imprisonment

(10) wilful damage to prison property

(11) tampering with or defacing history, records or documents

(12) receiving, possessing or transferring an prohibited article;

(13) feigning illness;

(14) wilfully bringing a false accusation against any officer or prisoner;

(15) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy to escape, attempt or preparation to escape and any attack or preparation for attack upon any prisoner or prison official; and

(16) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Sch. 45(11). may be inserted. Prisoners have been found guilty of such offences & have also been punished therefor

(12). Necessary. Is in force

(13) do

(14) do

15) do

6) may be retained.

Superintendent to punish prisoners. The Superintendent may examine any person relating to such offences, and determine thereon, and punish such offences

46. Punishment of such offences. The Superintendent may examine any person touching any such offence, and determine thereon and punish such offence by

(1) a formal warning;

Explanation. A formal warning means a warning personally addressed to the prisoner by the Superintendent and recorded in the punishment book and on the prisoner's history-ticket;

(2) Change of labour to some more irksome or severe form;

(3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;

Where the offender is not sentenced to more imprisonment by hard labour for any time not exceeding seven days.

(4) Such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Governor-General in council;

(5) The substitution of gunny or other coarse fabric for clothing of other material not being woollen, for a period which shall not exceed three months;

(6) imposition of hand-cuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor

47. Punishment of such offences.) The Superintendent may examine any person touching any such offence, and determine thereupon and punish such offence by :-

This is in practice

(1) a formal warning ;

Explanation. A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket.

All

In practice

(2) change of labour to some more irksome or severe form

All

(4) in the major Act has to be ~~made~~ followed use with is to civil and undertrial prisoners also which necessary in the interest of jail discipline.

(3) hard labour for a period not exceeding seven days in the case of prisoners not sentenced to rigorous imprisonment

All

Act is in force Vide Rule 278. M.J.M.

(4) such loss of privileges admissible under a remission system for the time being in force as may be prescribed by rules made by Govern

All

L.S. Not in practice nor necessity therefor felt. Besides the punishment is liable to be evaded very easily.

In force. Vide Rules ~~28~~ 279 & 280. M.J.M.

(5) imposition of hand-cuffs of such pattern and weight, in such manner and for such peri as may be prescribed by rules made by the Government.

All

(1) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor-General in Council

(2) Separate confinement for any period not exceeding six months;

Explanation. Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners, and allows him not less than one hour's exercise per day and to have his meals in association with one or more other prisoners;

(3) by ordering the offender for any time not exceeding seven days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government

(9) penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Local Government;

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

(10) Cellular confinement for any period not exceeding fourteen days;

Provided that after each period of cellular confinement an interval of not less duration than such period nor

(6) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Government.

Is any force always in combination with some other punishment or as a sequel to it

(7) Separate confinement for any period not exceeding six months;

Explanation. Separate confinement means such confinement with or without labour as secludes a prisoner from communication with, but not from sight of, other prisoners and allows him not less than one hours exercise per diem and to have his meals in association with one or more other prisoners;

Is in force vide rules 283 to 284 M.J.M.

(8) Penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by Government.

Provided that such restriction of diet shall in no case be inflicted on a prisoner for more than seventy-two consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week.

days, i.e. seventy two consecutive hours, maximum period prescribed in the Prisons Act Sec 48 (2) and no increase is called for.

Not in force & not feasible, as the circular cells of this jail were demolished years ago & involve heavy outlay in their reconstruction. We can only carry out our jail either solitary confinement

elapse before the prisoner is again sentenced to cellular or solitary confinement;

Explanation,- Cellular confinement means such confinement with or with labour as entirely secludes a prisoner from communication with, or sight of, other prisoners;

by imprisoning the offender in solitary confinement for any time not exceeding

(11) Solitary confinement for any term not exceeding seven days;

Provided that after each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary or cellular confinement;

Explanation - Solitary confinement means such confinement with or without labour as entirely secludes the prisoner both from sight of, and communication with, other prisoners;

(12) Penal diet as defined in clause (9) combined with solitary confinement as defined in clause (11);

by corporal punishment not exceeding thirty stripes of a light rattan;

(13) Whipping, provided that the number of stripes shall not exceed thirty;

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters or to whipping.

(9) Solitary confinement for any period not exceeding seven days,

Provided that after each period of solitary confinement an interval of not less duration than such period must elapse before the prisoner is again sentenced to solitary confinement;

Explanation. Solitary confinement means such confinement with or without labour as entirely secludes the prisoner both from sight of and communication with other prisoners;

All

14. Not in force, not necessary. Penal code with separate confinement is safer and enough

(10) Whipping, provided that the number of stripes shall not exceed thirty;

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of hand-cuffs or fetters or to whipping

47. Plurality of punishments under sec. 46 | Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely:-

(1) Formal warning shall not be combined with any other punishment except loss of privilege under clause of that section.

(2) penal diet shall not be combined with ~~any other punishment~~ change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with solitary confinement;

(3) solitary confinement shall not be combined with cellular confinement or with separate confinement, nor cellular confinement with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable;

(4) whipping shall not be combined with any other form of punishment except cellular or separate confinement or loss of privileges admissible under the remission system.

8. Award of punishments under sec. 46&47. | (1) The Superintendent shall have power to award any

Ch. sec 47- is in force. may be omitted.

48. Plurality of punishments under sec 47. Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions:-

(1) Formal warning shall not be combined with any other punishment except change of labour.

(2) penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with separate confinement.

(3) Solitary confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable.

(4) Whipping shall not be combined with any other form of punishment except separate confinement or loss of privileges admissible under the remission system.

(1) Warning is not being combined with any other punishment and cannot be called as such if so combined. Hence omission of words.

(2) Is in force. may be omitted changing the word "solitary" into "separate" as Bar Act. sec 47. (2) has not been brought into force.

(3) may be followed keeping in view that cellular confinement is not in force in

sec 48. Bar Act. The maximum period of separate confinement which the superintendent can award

49. Award of punishments under sec 47 and 48. (1) The Superintendent shall have power to award any

of the punishments enumerated in two last foregoing sections, subject, in the case of separate confinement for a period exceeding one month, to the confirmation of the Inspector-General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

Eg. Punishments to be in accordance with foregoing section ...

Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections, shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

---

50 medical officer to certify to fitness of prisoner for punishment.

No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour under section 46, clause (7), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the medical officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment book prescribed in Section 12.

---

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded or whether he considers

Imprisonment. Vide clause 7. sec. 48 Govt Railways Regulations. Separate confinement is retained all a severe form of punishment and prisoners even ask for it. Hence there is no need to restrict the powers of the Superintendent

of the punishments enumerated in the two last foregoing sections.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

50 Punishments to be in accordance with foregoing section.

Except by order of a court of Justice, no punishment other than the punishments specified in the foregoing section, shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

Sec. 56 B. Act. is in force. may be adopted.

51. Medical officer to certify to fitness of prisoner for punishment.

(1) No punishment of penal diet, either singly or in combination, or of birching, or of change of labour under section 47.(2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the medical officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment book prescribed in Section 12.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded or whether he considers any

any modification necessary.

(3) In the latter case he shall state the extent of punishment he thinks the prisoner can undergo without injury to his health.

hara} 48. } The gaoler shall enter in a separate book, called the punishment book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed

5] Subsis in punishment code. (1) In the punishment both prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habi or not) to which he belongs, the prisoner-offender guilty, the date on which such prisoner-offence was committed, the number of previous prisoner-offences recorded against the prisoner and the date of his last prisoner-offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prisoner-offence, the names of witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.

modification necessary.

(3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

52. Entries in the punishment book.

(1) In the punishment-book prescribed in section 1 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, (whether habitual or n Register number, and the class to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner and the date of his last prison-offence, the punishment awarded and the date of infliction.

(2) In the case of every serious prison-offence, the names of witnesses proving the offence shall be recorded, and, in the case of offences for which whipping is awarded, the Superintendent shall record the substance of the evidence of the witnesses, the defence of the prisoner, and the finding with the reasons therefor.

(3) Against the entries relating to each punishment, the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.

Punishment for repeated offences by Magistrate.

If any prisoner is guilty of repeated offences against prison-discipline, or is guilty of any offence against prison-discipline which the Superintendent thinks is not adequately punishable under section 48, the Superintendent shall report the same to the Magistrate of the district or any magistrate empowered to receive complaints without reference by the Magistrate of the district. Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished by confinement in a punishment cell or prison for any term not exceeding six months; or by corporal punishment not exceeding thirty stripes of a rattan; or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment: Nothing in this or the last preceding section shall authorize the infliction of corporal punishment on any female prisoner or any civil prisoner.

52. Procedure on committal of heinous offence.

If any prisoner is guilty of any offence against prison-discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate, or of any Magistrate of the first class, or Presidency Magistrate having jurisdiction together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in Sec. 46:

Amended by Act XIII of 1910.

Provided that any such case may be transferred for enquiry and trial by the District Magistrate or any Magistrate of the first class and by a chief Presidency Magistrate to any other Presidency Magistrate; and

Provided also that no person shall be punished twice for the same offence.

53. Procedure on committal of heinous offence. If any prisoner is guilty of any offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent is not adequately punishable by the infliction of any punishment which he has power under this Regulation to award, the Superintendent may forward such prisoner to the court of the District Magistrate, or of any Magistrate of the first class having jurisdiction, together with a statement of the circumstances, and such magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing punishment when he committed such offence, or may sentence him to any of the punishments enumerated in Section 47.

Provided that any such case may be transferred, for enquiry and trial, by the District magistrate to any magistrate of the first class; and _____.

Provided also that no person shall be punished twice for the same offence

_____

_____

Corporal punishment. All corporal punishment within the prison shall be inflicted in the presence of the superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

53 Whipping. (1) No punishment of whipping shall be inflicted in instalments, or except in the presence of the superintendent and medical officer or medical subordinate.

(2) Whipping shall be inflicted with a light rattan not less than half inch in diameter on the buttocks, in case of prisoner under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter rattan.

Penalty on officers ill-treating prisoners or violating rules. Every gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under sec. 54, shall be liable on conviction before the superintendent, to fine not exceeding one hundred rupees, or, on conviction before a magistrate not being the superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the superintendent under this section may be recovered, either by deduction from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines.

54 Offences by prison subordinates. (1) Every jailer or officer or other subordinate of a prison who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable, on conviction before a magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months or to both.

See: 50 in the Burma Act: will guide to as rules regulating the method of execution of flogging have already been framed and included in chapter XLVII of the Burma Jail manual and should be followed as now. Besides Sec. 53. Br. Act is defective by itself as it does not prescribe or refer precautions to be observed when executing

54. Whipping. All corporal punishment in the prison shall be inflicted in the presence of the Superintendent subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference

sr. Br. Act is wider in scope in as much as it penalizes violations of duty and transgression rules generally while sec 51 of the Burma Act penalizes any violation of duty under the Act or Rule thereunder. But it deprives the Superintendent of his present powers of fining his subordinates. Which power is necessary in the interest of maintaining discipline among the staff. Hence the Section in the Br. Act may be followed into the amplification necessary to leave to the Superintendent his present powers.

55. Offences by subordinate officers. 1. Every jailer or officer subordinate to him who shall be guilty of any violation of duty, or wilful breach or neglect of any rule or regulation or lawful order made by competent authority or who shall withdraw from the duties of his office without permission or without having given previous notice in writing of his intention for the period of two months, or who shall wilfully overstay any leave granted to him or who shall engage without authority in any employment other than his proper duty or who shall be guilty of cowardice, shall be liable on conviction before the Superintendent to fine not exceeding one hundred rupees, or on conviction before a jurisdictional Magistrate to whom the Superintendent shall report the circumstances of the case fine not exceeding two hundred rupees to imprisonment for a period not exceeding three months, or to both.

(2) Any fine imposed by the Superintendent under this section may be recovered, either by deduction from the convicted officer's pay or

No person shall, under this section, be punished twice for the same offence.

(4) No person shall under this section be punished twice for the same offence.

Chapter XII

Miscellaneous

55. Extra-mural custody, control and employment of prisoners.

A prisoner when he is taken to or from a prison in which he may be lawfully confined or whenever he is working outside or is otherwise beyond the limits of such prison is or under the law in the custody or control of a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

56. Confinement of prisoners in irons.

Whenever the Superintendent considers it necessary (with reference either to the state of the prisoner or the character of prisoners) for the safe custody of any prisoners that they should be confined in irons, the superintendent may so confine them.

56. Confinement in irons.

Whenever the Superintendent considers it necessary (with reference to the state of the prisoner or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and restrictions as may be laid down by the Inspector-General with the sanction of the Local Government so confine them.

57. Confinement of prisoners under sentence of transportation in irons.

(1) Prisoners under sentence of transportation may, subject to any rules made under Section 60, be confined in fetters

allowance, or under the law for the time being in force for the recovery of arrears of land revenue

(3) No person shall, under this section, be punished twice for the same offence.

Chapter XII

Miscellaneous

56 Extra-mural custody, control and employment of prisoners. A prisoner, when being taken to or from a prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison, and shall be subject to all the same incidents as if he were actually in prison.

See 52 supra. Act is more liberal than sec 56 Bo. Act & may be substituted by the latter as the provision of putting in irons a body of prisoners is to be made use of on rare occasions when temporary shelter are to be provided for prisoners or when there are troublesome characters in jail.

57. Confinement in irons. Whenever the Superintendent considers it necessary (with reference either to the State of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the Government, so confine them.

Sec 57 - Bo. Act - not in practice now necessary the provision in the foregoing section being enough for the purpose if at all any necessity

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector-General may sanction such retention accordingly.

Confinement in irons by order of own authority.

Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the order of his own authority, and notice thereof shall be forthwith given to the Superintendent.

Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint for more than forty-four hours, without an order in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the gaoler as his

58. Prisoners not to be ironed by Jailer except under necessity.

No prisoner shall be put in irons or under mechanical restraint by the Jailer of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

59. Power to make rules.

The Governor-General in Council may for any part of British India and each Local Government with the previous sanction of the Governor-General in Council may for the territories under its administration, make rules consistent with this Act—

(1) defining the Acts which shall constitute prison offences

(2) determining the classification of prison-offences into serious and

Sees 58. Br. Act is enough for the purpose of maybe insists.

58. Prisoners not to be ironed by gaoler except under necessity.

No prisoner shall be put in irons or under mechanical restraint by the gaoler of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

All

Ref. Section 59 Act. The various matters regarding which are to be made under this two section may be buried, rearranged & amplified so as to give all bases to the rules already more & includes in the new Jail and Lock-up manuals.

59. Power to make rules.

The government may, from time to time, make rules consistent with this Act

in the British Indian Statute Relates to Act.	Clauses as adopted in the new Regulation.	Reference to existing rules in the matter
Act. Retained as part of Cl. (12) in the Regulation	(1) for the classification of prisons and description and construction of wards, cells and other places of detention;	Vide Rules 1 to 3 in chapter I and rules 585 to 588 in M. J. M. ch. XXXIX
in force. No rules have been framed & necessary to frame. Items omitted	(2) for the regulation of numbers, length or character of sentences or otherwise of the prisoners to be confined in each class of prisons;	Rules 1 to 3 M. J. M.
ined as clause (13) in the proposed Regulation		

for commission of prison-offences or classes thereof;

(4) declaring the circumstances in which acts constituting both a prison-offence and an offence under the Indian Penal Code may or may not be dealt with as a prison-offence;

(5) for the award of marks and the shortening of sentences;

(6) regulating the use of arms against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;

(7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

(8) regulating the transfer from one part of British India to another of prisoners whose term of transportation or imprisonment is about to expire; and

(9) generally for carrying into effect the purposes of this Act.

(2) Power of local Government to make rules.) The local Government may, subject to the control of the Governor-General in Council, make rules consistent with this Act

(a) for the classification of prisons, and description and construction of wards, cells and other places of detention;

(b) for the regulation by numbers, length

appointment, guidance, control, punishment and dismissal of all officers appointed under this Regulation;

59(4) Retained as clause (14) in the New Regulation

Act now in force / covers rules in chapters II, IV, VII, and X to XII of the Nigeria Jail Manual

(4) for the appointment and guidance of visitors of prisons;

Covers rules in chapter III. m. J.m.

(5) prescribing the uniform to be worn by prison officers and defining the status of prison officers to whom the uniform so prescribed may be supplied at government expense;

Covers rules in chapter VIII. m. J. m

Retained with modifications as cl: (15)

(6) defining the status of prison officers liable to furnish security for the proper discharge of their duties, the amount and the manner of depositing such security;

Retained as part of cl: (25)

Rules in chapter IX m. J. m

(7) for the classification and separation of prisoners confined in prison; and for regulating the confinement of convicted criminal prisoners under Sec 29.

Retained as part of clause (24)

Vide Rules in chapter XVI. m. J. m

(8) for regulating the admission of prisoners into the prison and for calculating the date of the beginning of sentence and the date of termination in the case of each prisoner;

Modified / retained as clause (23)

Vide Rules in chapter XVII. m. J. m. Rule 208 & 218.

(9) for the preparation and maintenance of history tickets, and for the Registering of prisoners and their boxy. weights.

Rules 229 to 238. ch: XVIII m. J. m

Rules 272-273 [illegible] ch: XIX m. J. m

(10) for the imposition of irons and cutting of hairs or the shaving of the head of criminal prisoners on grounds of health or cleanliness or otherwise;

Excluded as clause (34) of the Regn.

Rule 239 to 241. ch: XVIII m. J. m

(11) for the observance of general discipline and daily routine in prison, for the provision and use by prisoners of latrines, baths, lights and books and for the observance of religious feasts, fasts and ceremonies by them;

Retained as clause (42) of Sec 59 Prison Regn

Rules 242 to 270 ch: XVIII. m. J. m

(12) defining the acts which shall constitute prison offences and the articles the introduction or removal of which into or out of a prison without due authority is prohibited;

Retained as clause (29. 59 Sect.

Rule 275 ch: XIX

at

for the Government of prisons and for the guidance of all officers appointed hereunder;

as to the food and clothing of criminal

for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts;

or character of services or otherwise of prisoners to be confined in each class of prisons;

(c) for the government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Act.

(d) as to the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;

(e) for the employment, instruction and control of convicts within or without prisons;

(f) for defining articles the introduction or removal of which into or out of prisons without due authority is prohibited;

for classifying and prescribing the forms of labour and regulating the periods of rest from labour;

for regulating the disposal of the proceeds of the employment of prisoners;

(i) for regulating the confinement of fathers of prisoners sentenced to transportation;

(j) for the classification and the removal of prisoners;

(k) for regulating the confinement of convicted criminal prisoners in

(l) for the preparation and maintenance of history tickets;

(m) for the selection and appointment of prisoners as officers of prisons;

(n) for rewards for good conduct

Regulation which shall be awardable for
commission of prison offences or class thereof;
(14) declaring the circumstances in which acts
constituting both a prison offence and an
offence under the Indian Penal Code may or
may not be dealt with as a prison offence;
(15) for the award of remission and gratuity
for good conduct, industry and special service
on the part of prisoners and for the selection
and appointment into specific duties of
prisoners as officers of prisons;
(16) for the constitution of Advising Boards
to consider and recommend to Government,
in such manner as prescribed by it the cases
of such convicted prisoners as have served
such portion of their sentence as prescribed by
Government, for release on probation before the
expiry of their sentences;
(17) as to the food, ~~bedding and~~ clothing
and bedding of criminal prisoners and of
civil prisoners maintained otherwise than
at their own cost;
(18) for the employment, instruction and
control of convicts within or without prison,
for the guidance of guards over them, ~~and~~
for the regulation of taskwork to be performed
by each prisoner and the remuneration payable
to him in such manner as prescribed by Government
for work done in excess of such taskwork.
(19) for classifying and prescribing the forms of
labour and regulating the periods of rest
from labour;

(20) for declaring into property brought by or into a prisoner
or sent for his use or found on him after admission

(21) for the religious administration of prisoners

Rules 326 to 360.
XXII, XXIII. m

Rules 361 to 381
XXIV. m. T. m

Rules 382 to 391
XXII. m. T.

Rule 391. ch XXII

(o) for regulating the transfer of pris
whose term of transportation or imprisi
is about to expire; . . . . .

(p) for the treatment, transfer and
of criminal lunatics or recovered c
lunatics confined in prisons.

(q) for regulating the transmission of
appeals and petitions from prisoners
and their communication with their
friends;

(r) for the appointment and guidance
Visitors of prisons;

(s) for extending any or all of the
provisions of this Act and of the
rules thereunder to subsidiary jai
or special places of confinement
appointed under section 541 of the
Code of Criminal Procedure, 1882,
to the officers employed, and the
prisoners confined therein; and

(t) generally in regard to the cus
custody, employment, diet, trea
and release of prisoners, and for a
purposes consistent with this Act.

(22) for regulating the transmission of appeals, Rules 392 to 413 ch
and petitions from prisoners and interviews XXVII, XXVIII & XXIX
and communications with their friends; in J. m

(23) for regulating the transfer of prisoners Rules 427 to 451 ch
from one prison to another; XXXI m. J. m.

(24) for the manner of releasing prisoners, defining Rules 452 to 467. ch
the circumstances and regulating the conditions XXXII m J.
under which prisoners in danger of death or
incapable of committing crime may be released, ~~Rules 468 to 487~~

(25) for the method of branding the prison and Rules 468 & 487 ch
for regulating the use of arms against any XXXIII m. J. m
prisoner or body of prisoners in the case of an
outbreak or attempt to escape;

(26) for regulating the part to be played by Rules 498 to 522 c
each officer or prisoner in the case of escape, chables XXXV, XXX
outbreak, death, accident, suicide or fire; & XXXVII m. J. m

(27) for regulating the medical and Rules 523 to 617. in
sanitary administration of the prison chapters XXXVIII & XXXIX

(28) for the maintenance of Jail garden and Rules 618 to 628 in C
farm & regulating the method of ~~sale~~ XL & XLI. m J. m
procuring articles for use in the prison;

(29) for the reception, detention, treatment and Rules 629 to 743 and 757 to 764 in c
discharge of the various classes of prisoners; XLII to ~~XLIII~~ LI and LIV. m J. m

(30) for the treatment, transfer and disposal Rules 744 to 756 in
of criminal lunatics or recovered criminal chapters LII & LIII m
lunatics and of lepers confined in prisons;

(31) for ~~carrying~~ the manufactures Department of a prison Rules 836 to 866 in ch LX

(32) for regulating the method of carrying Rules 765 to 835 m c
out correspondence, and cash transactions, for LV, LVI, LVII & LVIII &
the maintenance of registers and records, for and rules 86
their preservation and their periodical destruction, 885 in chapters LXI &
and for the preparation and submission of reports
statistical and other returns in the case of
each prison or classes of prisons;

(33) for extending or withholding any or all To cover the rules in
of the provisions of this Regulation and of the Book of manual
the rules thereunder to or from a sub-Jail

(11

section 54 (last clause) Copies of such rules as far as they affect the Government of prisons shall be exhibited in some place to which all persons employed within a prison have access.

61. Exhibition of copies of rules. Copies of rules under sections 59 and 60 so far as they affect the Government of the prisons shall be exhibited, both in the English and in the Vernacular, in some place to which all persons employed within a prison have access.

See: 55. Has already passed.

56 Exercise of powers of superintendent. All or any of the powers and duties conferred and imposed by this Act on a Superintendent may be exercised and performed by such other officer as the Local Government from time to time appoints in this behalf.

62. Exercise of powers of Superintendent and medical officer. All or any of the powers and duties conferred and imposed by this Act on a Superintendent or medical officer may, in his absence, be exercised and performed by such other officer as the Local Government may appoint in this behalf either by name or by his

or a lock-up or a special place of
confinement under Sec 544 Criminal
Procedure Code, and to or from the
officers employed and the prisoners
confined therein;

(38) generally in regard to the admission, custody, employment, dieting, treatment and release of prisoners and for other purposes consistent with this Regulation.

useful for making rules or any another that may have been omitted.

Sec 61. All the rules in the Empire Jail Book-ch which may come under this category and exhibition both in English & Vernacular as Board is practically impossible. A copy of each or manuals could be easily kept at the Jail Sahib with probably answer the purpose of this Section over the provision retained.

60 Exhibition of rules. Copies of rules under Sec so far as they affect the governme of prisons, shall be exhibited in Englis or in the Vernacular in some place to wh all persons employed within a prison have access.

Ans

Ans

Sec 61. The Lock-ups have no jailers provision should be made for the performance of the Prison duties imposed in the new Regulation on the Jailer of a prison - Hence the provision in the Bengal Act has to be modified and amended.

61. Exercise of powers of Superintendent medical officer and jailer

All or any of the powers and duties conferred and imposed by this Regulation a Superintendent, or a medical officer, or Jailer, may, in his absence be exe and performed by such other officer as the Government may appoint in this behalf either by name or by h official designation.

Superintendent

Central Jail - Bangalore

8.e 1883

REGULATION No. V OF 1894.

(PASSED ON THE 22ND DAY OF JULY 1894.)

A Regulation to provide facilities for obtaining the Evidence and Appearance of Prisoners and for service of process upon them.

Price—Nine pies.

REGULATION No. V OF 1894.

(PASSED ON THE 22ND DAY OF JULY 1894.)

A Regulation to provide facilities for obtaining the Evidence and Appearance of Prisoners and for service of process upon them.

Preamble. Whereas it is expedient to provide facilities for obtaining the evidence and appearance in Court of prisoners and for service of process upon them, His Highness the Maharaja is pleased to enact as follows :—

Short title, extent and commencement. 1. This Regulation may be cited "The Mysore Prisoners' Testimony Regulation, 1894."

It shall extend to the whole of the territories of Mysore and it shall come into force on the 1st day of August 1894.

Criminal Courts may make orders under Regulation. 2. Any Criminal Court not inferior to the Court of a Magistrate of the second class may, in its discretion, if it appear that the testimony of any person confined in any jail is material in any matter depending in such Criminal Court, or if a charge of an offence against such person is made or pending, make an order in the form in Schedule A or B (as the case may be) to this Regulation annexed, directed to the officer in charge of the said jail.

Civil Courts may make orders under Regulation. 3. Any Civil Court may, in its discretion, if it appear that the testimony of any person confined in any jail is material in any matter depending in such Civil Court, make an order in the form in the said Schedule A, directed to the officer in charge of the said jail.

Court to countersign orders. 4. When such order is made in any civil matter pending in a Court subordinate to the Court of the District Judge, or in any Court of Small Causes, it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until the same shall have been submitted to, and countersigned by, such Judge or the District Judge within the local limits of whose jurisdiction such Court of Small Causes is situate.

Statement of facts necessitating orders. Every order so submitted shall be accompanied by a statement under the hand of the Judge of the facts which, in his opinion, render such order necessary; and the District Judge may, after considering such statement, decline to countersign the order.

Order to be transmitted through Magistrate of District in which person is confined.

5. When any person for whose attendance an order as hereinbefore mentioned shall be made is confined in any district other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it shall have been made or countersigned to the Magistrate of the district or division of a district in which the said person is confined, and such Magistrate shall cause it to be delivered to the officer in charge of the jail in which such person is confined.

Order by High Court for removal of person confined more than 100 miles from place where his evidence is required.

6. In any case in which a person is confined in a jail more than one hundred miles distant from the place where any Court subordinate to the High Court in which his evidence is required is held, the Judge or the presiding officer of the Court in which the evidence is so required shall, if he think it expedient that such person should be removed under this Regulation for the purpose of giving evidence in such Court, apply in writing to the High Court, and such High Court may, if it think fit, make an order in the form in the said Schedule A, directed to the officer in charge of the said jail.

The High Court making the order shall send it to the Magistrate of the district or division of a district in which the person named therein is confined, and such Magistrate shall cause the order to be delivered to the officer in charge of the jail in which such person is confined.

Prisoner to be brought up.

7. Upon delivery of any order under this Regulation to the officer in charge of the jail in which the person named therein is confined, such officer shall cause him to be taken to the Court in which his attendance is requried so as to be present in such Court at the time in such order mentioned; and shall cause him to be detained in custody in or near the Court until he shall have been examined or until the Judge or presiding officer of such Court shall authorize him to be taken back to the jail in which he was confined.

Power to Government to exempt certain prisoners from operation of Regulation.

8. The Government of Mysore may, from time to time, by notification in the official gazette, direct that any person or any class of persons shall not be removed from the jail in which he or they may be confined; and thereupon, and so long as such notification remains in force, the provisions of this Regulation, other than those contained in sections 10 and 11, shall not apply to such person or class of persons.

Sections 9-10.

When jails may disob orders.

9. When any person named in any order made under ections 2, 3, or 6 appears to be from sickness or other nfirmity unfit to be removed, the officer in charge of the ail in which he is confined shall apply to the Magistrate of he district or division of a district in which such jail is ituate, and if such Magistrate shall, by writing under his and, declare himself to be of opinion that such person is rom infirmity unfit to be removed;

or when any person named in any such order is under committal for trial;

or under a remand pending a trial or pending a preliminary investigation;

or when any such person is in custody for a period which would expire before the expiration of the time required for removing him under this Regulation and for taking him back to the jail in which he is confined;

then and in every such case, the officer in charge of he jail shall abstain from obeying such order, and shall end to the Court from which the order has been issued, a tatement of his reason for not obeying the same:

Provided that the said officer shall not so abstain when he order has been made under section 2, and the person amed in the order is confined under committal for trial r under a remand pending trial or pending a preliminary ivestigation, and does not appear to be from sickness or ther infirmity unfit to be removed, and the place where is evidence is required is not more than five miles distant rom the jail in which he is confined.

Commissio for examin tion of prisoners.

10. Whenever it shall appear to any Civil Court that he evidence of a person confined in any jail, who for any f the causes mentioned in section 8 or 9 cannot be brought p before it, is material in any matter depending before ich Court,

and whenever it shall appear to any such Court that the evidenec of a person confined in any jail, situated more than 10 miles distant from the place at which such Court is held, is material in any such matter,

and in any case in which the District Judge shall, under section 4, have declined to countersign the order for removal,

the Court may, if it think fit, issue a commission, under the provisions of the Code of Civil Procedure, for the examination of such person in the jail in which he is confined.

Commission how to be directed.

11. Every commission issued under section 10 shall be directed to the District Court of the district wherein the jail in which such person is confined is situate; and such Court shall commit the execution of the commission to the officer in charge of such jail, or to such other person as the Court thinks fit.

Process how served on prisoners.

12. When any process directed to any person confined n any Jail is issued from any Court, the same may be served by exhibiting to the officer in charge of such jail or prison the original of such process, and by depositing with him a copy thereof.

Process served to be transmitted at prisoner's request.

13. Every officer in charge of a jail upon whom any such service as is mentioned in section 12 shall be made, shall, as soon as may be, cause the copy of the process so deposited with him to be shown and explained to the prisoner to whom it is directed, and shall thereupon endorse upon such process a certificate signed by him that the prisoner to whom the process is directed is a prisoner in the jail under his charge, and that he has received a copy thereof.

Such certificate shall be sufficient *prima facie* evidence of the service of such process; and if the prisoner requests that the said copy be sent to any other person, and provides the cost of so sending it, the said officer shall cause the same, to be so sent through the post office by registered letter.

Deposit of costs.

14. No order in any civil matter shall be made by a Court under any of the provisions hereinbefore contained until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court;

Provided that, if upon any application for such order, it appears to the Court to which the application is made that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such Court, and every sum so expended may be recovered by Government from any person ordered by the Court to pay the same, as if it were costs of suit recoverable under the Code of Civil Procedure.

Sections 15-17.—*Schedules A and B.*

15. It shall be lawful for the Government of Mysore to make rules consistent with this Regulation— Power to make rul

(1) for regulating the escort of prisoners to and from the Court in which their presence is required;

(2) for regulating the amount to be allowed for the costs and charges of such escort; and

(3) for the guidance of officers in all other matters connected with the enforcement of this Regulation;

and from time to time to alter and add to the rules so made.

16. All such rules, alterations and additions shall be published in the official gazette, and shall, from the date of such publication, be deemed to have the force of law. Publicati of rules.

17. The Government of Mysore may also declare in each case what officer shall, for the purposes of this Regulation, be deemed to be "the officer in charge of the jail." Power to declare w shall be deemed "officer i charge of jail."

SCHEDULE A.

Court of

To the officer in charge of the (*state name of jail.*)

You are hereby required to have the body of , now a, prisoner in , under safe and sure conduct before the at on the day of next by of the clock in the forenoon of the same day, there to give testimony in a cause now pending before [*or* in a certain charge or prosecution now pending before against *or as the case may be*] and after the said shall then and there have given his testimony before the said or the said shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

day of

A. B.

(*Countersigned*) C. D.

SCHEDULE B.

Court of

To the officer in charge of the (*state name of jail.*)

You are hereby required to have the body of , now a prisoner in , under safe and sure conduct before the at the day of next by of the clock in the forenoon of the same day, there to answer a charge now pending before and, after such charge shall have been disposed of or the said shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

day of

A. B.

(*Countersigned*) C. D.

pages.

Notes pages 1 to 11.

four typed copies of the Prisons Regn.

each containing 21. written sheets.

and important modifications suggested.

pages 16 to 21.

Correspondence, pages 1 to 13.

1) the Prisons Regn., 1874 (a second typed copy.

2) draft of the Prisons Regn.

and 3rd Regulation No. V of 1894.